

HOUSING PLAN ELEMENT AND FAIR SHARE PLAN
OF THE
BOROUGH OF RUMSON MASTER PLAN

CYCLES I, II AND III

BOROUGH OF RUMSON
MONMOUTH COUNTY, NEW JERSEY

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HOUSING PLAN ELEMENT

INTRODUCTION

The Borough of Rumson has prepared this housing plan element and fair share plan in accordance with the requirements of the Mount Laurel Doctrine, the New Jersey Municipal Land Use Law and the State Fair Housing Act. This plan updates and replaces the Borough's previously adopted Housing Element and Fair Share Plan, which was adopted by the Borough Planning Board on August 18, 2003 and submitted to the New Jersey Council on Affordable Housing (COAH) as part of its petition for substantive certification of its Cycle I and II Fair Share Plan.

The Mount Laurel Doctrine

In 1975, the New Jersey Supreme Court, in Mt. Laurel I (Southern Burlington County NAACP v. The Township of Mount Laurel), 676 N.J. 151, 336 A. 2d 713 (1975)), held that a developing municipality must, through its land use regulations, create a realistic opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, including those of low and moderate income.

As a result of Mount Laurel I, developing municipalities in the path of growth were obligated to provide for a mix of housing that addressed their fair share of the region's housing need. However, Mount Laurel I generally resulted in few housing opportunities for low and moderate households because many municipalities failed to use their powers to zone and provide a realistic opportunity for the provision of affordable housing.

In 1983, the New Jersey Supreme Court decided Mount Laurel II (Southern Burlington County NAACP v. the Township of Mount Laurel), 92 N.J. 158, 456 A. 2d 390 (1983)). In its Mount Laurel II decision, the Supreme Court held:

- *The existence of a municipal obligation to provide a realistic opportunity for a fair share of the region's present and prospective low and moderate income housing need, will no longer be determined by whether or not a municipality is 'developing'. The obligation extends, instead, to every municipality, any portion of which is designated by the state, through the SDGP (State Development Guide Plan, currently called the State Development and Redevelopment Plan [SDRP]), as a growth area.*
- *The lower income regional housing need is comprised of both low and moderate income housing. Low income housing need consists of households whose incomes do not exceed 50 percent of the median income of the area with adjustment for family size. Moderate income housing need consists of households whose income does not exceed 80 percent of the median income of the area with adjustment for family size.*

Subject to a number of important limitations, the Supreme Court made clear that municipalities that failed to comply would be subject to the so-called “builder’s remedy” which represented an intrusion into a municipality’s home rule powers.

The Fair Housing Act

In 1985, two years after Mount Laurel II, the State adopted the Fair Housing Act and created an administrative alternative to court action in addressing municipal compliance with Mount Laurel II. The Fair Housing Act establishes the Council on Affordable Housing (COAH) as the state agency responsible for identifying housing regions, estimating low and moderate income housing need, and providing regulations that guide municipalities in addressing their obligations. The stated intent of the act was to provide alternatives to the use of the builder's remedy as a method of achieving the provision of affordable housing.

As the State agency responsible for administering the Fair Housing Act, COAH establishes affordable housing guidelines and criteria. COAH estimates the total lower income housing need statewide, organizes the State into housing regions, and allocates a share of the regional housing need to each municipality in the region. COAH also identifies those circumstances where an “adjustment” to a municipality’s fair share is appropriate. Finally, COAH identifies the types of housing activities and programs that will be readily recognized as credits or reductions to the municipal fair share.

The Municipal Planning Responsibility

Each municipality is obligated to plan to meet its fair share. The New Jersey Municipal Land Use Law enables a municipality to adopt a zoning ordinance to regulate land use provided that the municipality has also adopted a master plan that includes a land use element and a housing element.

Mandatory Contents of the Housing Element

The essential components of a local housing element, as set forth in N.J.S.A. 52:27D-310, are the following:

- *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.*
- *A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.*
- *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age.*
- *An analysis of the existing and probable future employment characteristics of the municipality.*

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- *A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.*
- *A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.*

In addition, N.J.A.C. 5:94-2.2(b)1-3 requires the following:

- *A projection of the Borough's probable future construction of housing for ten years covering the period from January 1, 2004 through January 1, 2014.*
- *An analysis of the existing jobs and employment characteristics of the Borough, and a projection of the probable future jobs and employment characteristics of the Borough for ten years covering the period from January 1, 2004 through January 1, 2014.*
- *An analysis of how existing zoning or planned changes in zoning provide adequate capacity to accommodate the Borough's residential and non-residential growth projections.*

In adopting the housing element, the municipality may adjust the new construction component of its obligation for the first and second housing cycles through a detailed process known as a vacant land adjustment. If a municipality secures such an adjustment, the portion of its Cycle I and II new construction component that it lacks adequate vacant land to address is known as the "unmet need." COAH sets forth various techniques that may be required of municipalities to address their unmet need. Specifically, COAH adopted N.J.A.C. 5:93-4.2 (h), which provides as follows:

(h) If the RDP¹ described in (f) above is less than the precredited need minus the rehabilitation component, the Council shall review the existing municipal land use map for areas that may develop or redevelop. Examples of such areas include, but are not limited to: a private club owned by its members; publicly owned land; downtown mixed use areas; high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; and properties that may be subdivided and support additional development. After such an analysis, the Council may require at least any combination of the following in an effort to address the housing obligation:

1. Zoning amendments that permit apartments or accessory apartments;
2. Overlay zoning requiring inclusionary development or the imposition of a development fee consistent with N.J.A.C. 5:93-8; In approving an overlay zone, the Council may allow the existing use to continue and expand as a conforming use, but provide that where the prior use on the site is changed, the site shall produce low and moderate income housing or a development fee; or
3. Zoning amendments that impose a development fee consistent with N.J.A.C. 5:93-8.

As described later in this plan, the Borough has chosen to use all three methods.

To the extent that a municipality has any “RDP” or realistic development potential, COAH provides a menu of techniques a municipality could utilize to address that portion of its Cycle I/Cycle II obligation. The Borough has conducted a vacant analysis; determined that it has an RDP of zero and an unmet need of 268 and conducted the analysis required by N.J.A.C. 5:93-4.2 (h). (See Vacant

¹ Realistic Development Potential.

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Land Inventory and Analysis Report, dated August 7, 2003, incorporated by reference. Appendix A.) If at some point in time, COAH determines that Rumson has an RDP greater than zero, the Borough reserves the right to use any appropriate and applicable technique permitted under COAH's regulations to address its RDP either through the measures specified in this plan and/or other measures.

COAH adopted a revised set of substantive rules (N.J.A.C. 5:94 et seq.) that became effective on December 20, 2004. This third set of substantive rules presents a methodology for calculating a municipality's affordable housing obligation, consisting of three components. These include the rehabilitation share, which is a measure of old, overcrowded, deficient housing that is occupied by low and moderate income households, any remaining Prior Round obligation for the period from 1987-1999, and the "growth share", which links the actual production of affordable housing with municipal development and growth. As part of the Region 4, COAH calculates that the Borough of Rumson's rehabilitation share is zero, and the remaining Prior Round obligation is 268 units. The Borough's growth share obligation is four (4) units based on the analysis of Rumson's demographic, housing and employment characteristics which is described in the following sections of this plan.

AN ANALYSIS OF DEMOGRAPHIC, HOUSING AND EMPLOYMENT CHARACTERISTICS

As required by N.J.S.A.52:27D-310, all housing elements must contain a discussion of the community's demographic, housing, and economic characteristics. In fulfillment of this requirement, the following sections profile the Borough of Rumson with information obtained from the US Census Bureau, the North Jersey Transportation Planning Authority, and the New Jersey Department of Labor and Workforce Development.

Rumson's Demographics

The Borough of Rumson had a population of 7,137 at the time of the 2000 US Census. This figure represents a 6.5 percent increase over the 1990 US Census population figure of 6,701. This is significantly less than that of Monmouth County, which grew by 11.2 percent during the same period. However, it is important to note that this growth rate has not been sustained; in the years between 2000 and 2005 it has decreased significantly. Currently, the County's growth rate is 3.3 percent faster than the Borough's. Table 1, as shown below, highlights the rates of growth experienced by the Borough of Rumson and Monmouth County during the 1990s and beyond.

Table 1: Population Trends, 1990-2005

	1990	2000	2005	% Change 1990-2000	% Change 2000-2005
Borough of Rumson	6,701	7,137	7,180	6.5%	0.6%
Monmouth County	553,124	615,301	639,500	11.2%	3.9%

Source: US Census Bureau, North Jersey Transportation Planning Authority

As indicated by the North Jersey Transportation Planning Authority's (NJTPA) population projections for the Borough of Rumson and Monmouth County, the population for the Borough and the County will continue to grow, reaching populations of 7,300 in Rumson and 713,000 in the County by 2030. However, the County will grow at a slower rate than experienced during the 1990s. The NJTPA projects that Rumson's population will grow by only 2.2 percent from 2000 to 2030, which is significantly less than the rate of 15.9 percent projected for the County during the same period.

According to the 2000 US Census, the Borough of Rumson's population is comprised of 2,452 households, with an average household size of 2.91 members. The median age of the Borough's population is 39.2 years, which is more than that of Monmouth County (37.7 years) and the State of New Jersey (36.7 years). With regard to the percentage of population aged 65 years and over, Rumson had 12.8 percent; the percentage of population aged 65 years and over in Monmouth County and the State of New Jersey is 12.5 percent and 13.2 percent, respectively. In addition, the median household income of Rumson's households is \$120,865, which is much more than the respective figures for the State and the County. These indicators are exhibited in Table 2:

Table 2: Demographic Indicators, 2000

	Number of Households	Average Household Size	Median Age	% of Population ≥ 65 years	Median Household Income
Borough of Rumson	2,452	2.91	39.2	12.8%	\$120,865
Monmouth County	224,236	2.70	37.7	12.5%	\$64,271
New Jersey	3,064,645	2.68	36.7	13.2%	\$55,146

Source: US Census Bureau

As shown above, 12.8 percent of Rumson's 2000 population was aged 65 years and over. More detailed information regarding the distribution of Rumson's population among different age cohorts is presented in Table 3:

Table 3: Population by Age, 2000

	Number	% of Total
Under 5 Years	528	7.4%
5 to 9 Years	713	10.0%
10 to 14 Years	703	9.9%
15 to 19 Years	434	6.1%
20 to 24 Years	149	2.1%
25 to 34 Years	579	8.1%
35 to 44 Years	1,319	18.5%
45 to 54 Years	1,132	15.9%
55 to 59 Years	427	6.0%
60 to 64 Years	239	3.3%
65 Years and Older	914	12.8%

Source: US Census Bureau

Rumson's Housing Stock

The housing stock characteristics in the Borough of Rumson include the number and type of housing units, occupancy/household characteristics, age (the year the structure was built), condition of units, purchase or rental value of units, units affordable to low and moderate income housing, and rate of construction. Table 4, located on the next page, lists these characteristics:

Table 4: Housing Characteristics, 2000

	Number	% of Total
I. Housing Units		
Number of units	2,610	100.0%
Occupied Housing Units	2,452	94.0%
Number of units (1990)	2,621	100.0%
Vacant Housing Units	158	6.0%
II. Occupancy/Household Characteristics		
Number of Households	2,452	100.0%
Persons Per Household	2.91	N/A
Family Households	1,989	81.1%
Non-Family Households	463	18.9%
Householders 65 and over	194	7.9%
III. Year Structure Built		
1999 to March 2000	9	0.3%
1995 to 1998	71	2.7%
1990 to 1994	57	2.2%
1980 to 1989	134	5.1%
1970 to 1979	271	10.4%
1960 to 1969	279	10.7%
1940 to 1959	893	34.2%
1939 or earlier	896	34.3%
IV. Condition of Units		
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	0	0.0%
V. Home Value (Owner Occupied Units)		
\$300,000 and up	1,482	70.1%
\$200,000 - \$299,999	350	16.6%
\$150,000 - \$199,000	180	8.5%
\$100,000 - \$149,000	87	4.1%
\$50,000 - \$99,999	13	0.6%
\$0 - \$50,000	0	0.0%
Median Value	\$455,300	N/A
VI. Rental Value (Renter Occupied Units)		
\$1,000 and up	154	68.2%
\$750 - \$999	14	6.2%
\$500 - \$749	29	12.8%
\$200 - \$499	8	3.5%
Less than \$200	0	0.0%
No cash rent	21	9.3%
Median Rent	\$1,187	N/A

Source: US Census Bureau

Rumson had a total of 2,610 housing units according to the 2000 US Census. This was a decrease of 11 units since the 1990 US Census, which reported a total of 2,621 units. Of the total dwellings, 158 units were listed as vacant in 2000. In addition, 90.0 percent of the occupied housing units in the Borough of Rumson were owner occupied. With respect to rental housing, 10.0 percent of the Borough's housing units were renter occupied.

According to the 2000 US Census, Rumson had a total of 2,452 households. Of the total number of households 1,989 were family households (81.1 percent) and 463 (18.9 percent) were non-family households. A non-family household consists of a householder living alone or where the household shares the home exclusively with people to whom he or she is not related. Householders 65 years of age or older accounted for 194 (7.9 percent) of the households in Rumson.

Approximately 34.3 percent, or 896, of the 2,610 housing units in existence in March 2000, were built prior to 1939. Between 1940 and 1959, a total of 893 units were constructed which accounts for 34.2 percent of the current housing stock. Between 1960 and 1969, 279 housing units or 10.7 percent of the housing stock was constructed. A total of 271 (10.4 percent) housing units were constructed between 1970 and 1979, and 134 housing units (5.1 percent) were constructed between 1980 and 1989. Between 1990 and March 2000, 137 or 5.2 percent of the Borough's housing units were constructed.

The Borough's housing stock is in excellent condition. This is evidenced by the fact that the Borough's rehabilitation share, as calculated by COAH, is zero (0). In addition, no units lack complete plumbing or kitchen facilities, nor did any of the occupied units report overcrowded conditions (1.01 persons or more per room).

The 2000 median value of the owner occupied housing units in Rumson was \$455,300. Of this total, none had a value less than \$50,000, 13 or 0.6 percent had a value between \$50,000 and \$99,000, 87 units or 4.1 percent had a value between \$100,000 and \$149,000, 180 or 8.5 percent

had a value between \$150,000 and \$199,000, 350 or 16.6 percent had a value between \$200,000 and \$299,999 and 1,482 or 70.1 percent had a value of \$300,000 or greater.

The 2000 median gross monthly rent was \$1,187 for rental housing units in the Borough of Rumson. Of the 226 renter occupied units reporting monthly rental rates, 21 reported no cash rent, none had a monthly rate less than \$200, 8 had a monthly rate between \$200 and \$499, 29 units had a monthly rental rate between \$500 and \$749, 14 units had a monthly rental rate of \$750 - \$999 and 154 units had a monthly rental rate of \$1,000 or more.

With regard to the affordability of these housing units to low and moderate income households, it should be noted that 75.3 percent of the selected monthly owner costs displayed in Table 5 are less than 30 percent of the 1999 household income. In addition, 42.1 percent of all renters spend less than 30 percent of their household income on their housing. The criterion for housing affordability is that no more than 30 percent of the gross income should be allocated for housing costs.

Table 5: Housing Affordability as a Percentage of 1999 Household Income

	Number	% of Total
Selected Monthly Owner Costs		
< 15%	839	39.7%
15% to 19%	334	15.8%
20% to 24%	212	10.0%
25% to 29%	206	9.8%
30% or more	521	24.7%
Gross Rent		
< 15%	56	24.8%
15% to 19%	19	8.4%
20% to 24%	14	6.2%
25% to 29%	6	2.7%
30% or more	110	48.6%
Not Computed	21	9.3%

Source: US Census Bureau

Rumson's Employment Characteristics

At the time of the 2000 US Census, 3,047, or 59.8 percent, of Rumson's population aged 16 years old and over was engaged in the labor force. Table 6 describes the varied activities of this segment of the population.

Table 6: Occupation of Employed Civilian Population Aged 16 and Over, 2000

	Number	% of Total
Management, Professional, and Related	1,763	59.4%
Service	154	5.2%
Sales and Office	844	28.4%
Farming, Fishing, and Forestry	0	0.0%
Construction, Extraction, and Maintenance	134	4.5%
Production, Transportation, and Material Moving	74	2.5%

Source: US Census Bureau

The two largest occupational groups within the civilian labor force in 2000 were Management, Professional, and Related Occupations, and Sales and Office Occupations. With regard to the income earned by Rumson's households for activity in these and other occupational groups, Table 7 provides the following information:

Table 7: Household Income, 1999

	Number	% of Total
Less than \$10,000	41	1.7%
\$10,000 to \$14,999	68	2.8%
\$15,000 to \$24,999	113	4.6%
\$25,000 to \$34,999	107	4.4%
\$35,000 to \$49,999	197	8.0%
\$50,000 to \$74,999	286	11.7%
\$75,000 to \$99,999	238	9.7%
\$100,000 to \$149,999	407	16.6%
\$150,000 to \$199,999	271	11.0%
\$200,000 or More	726	29.6%
Median Household Income (Dollars)	\$120,865	N/A

Source: US Census Bureau

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Per Capita Income within the Borough in 2000 was \$73,692 while the median household income was \$120,865. A total of 222 households reported income of less than \$25,000, or 9.1 percent of the households. A total of 107 households reported income between \$25,000 and \$34,999 or 4.4 percent of the households. A total of 197 households reported income between \$35,000 and \$49,999 or 8.0 percent. A total of 286 reported income between \$50,000 and \$74,999 or 11.7 percent. A total of 238 households reported income of \$75,000 - \$99,999 and 1,404 households reported income of \$100,000 or more.

With regard to growth in employment in Rumson, the North Jersey Transportation Planning Authority has published employment projections. According to the NJTPA projections, there will be 1,390 jobs in Rumson in 2015, a 2.1 percent decrease over the number of jobs estimated for the year 2005. These projections will be employed later in this report for the calculation of Rumson's non-residential growth share obligation.

GROWTH SHARE PROJECTION

COAH's Third Round Substantive Rules introduce the concept of a growth share projection. COAH has applied this concept so as to require municipalities to bear a responsibility for affordable housing in the third cycle based upon the residential and nonresidential growth that has taken place or will take place from January 1, 2004 to January 1, 2014. More specifically, for every eight (8) market-rate residential units constructed during this 10 year period, the municipality is obligated to provide for one (1) unit that is affordable to low and moderate income households. In addition, every 25 jobs created within the municipality during this 10 year period necessitates the provision of one (1) additional unit of low to moderate income housing. The following pages detail the calculation of Rumson's growth share.

Growth Share Projection: Detail

In order to calculate the Borough's Growth Share Projection, historical data on the number of residential and nonresidential certificates of occupancy (COs) and demolition permits issued within the Borough during the last decade was obtained from the Department of Community Affairs, Division of Codes and Standards, as well as the Borough's Construction Office. The following tables display the historical data compiled by T&M.

**Table GS 1: Residential Certificates of Occupancy (COs)
and Demolition Permits Issued**

	1996	1997	1998	1999	2000	2001	2002	2003	2004
COs	8	16	17	13	9	15	34	23	35
DEMs	11	6	7	16	17	22	30	38	24

Source: DCA, Division of Codes and Standards

**Table GS 2: Non-residential Certificates of Occupancy (COs)
and Demolition Permits Issued (Square Feet by Use Group)**

	1996	1997	1998	1999	2000	2001	2002	2003	2004
Group B									
COs	7,351	3,725	0	4,500	765	1,685	0	0	0
DEMs	0	0	0	0	0	0	0	0	0
Group M									
COs	0	0	0	0	0	0	0	0	0
DEMs	0	0	0	0	0	0	0	0	0
Group F									
COs	0	0	0	0	0	0	0	0	0
DEMs	0	0	0	0	0	0	0	0	0
Group S									
COs	0	0	0	0	0	0	0	0	0
DEMs	0	0	0	0	0	0	0	0	0
Group H									
COs	0	0	0	0	0	0	0	0	0
DEMs	0	0	0	0	0	0	0	0	0
Group A1									
COs	0	0	0	0	0	0	0	0	0
DEMs	0	0	0	0	0	0	0	0	0
Group A2-A4									
COs	0	0	4,185	7,470	0	0	0	0	0
DEMs	0	0	0	1	0	0	0	0	0
Group E									
COs	0	0	0	13,874	0	1,190	548	0	7,125
DEMs	0	0	0	0	0	0	0	0	0
Group I									
COs	0	0	0	0	0	0	0	0	0
DEMs	0	0	0	0	0	0	0	0	0
Group R1									
COs	0	0	0	0	0	0	0	0	0
DEMs	0	0	0	0	0	0	0	0	0

Source: DCA, Division of Codes and Standards, Borough Construction Office

In addition, the calculation of the Growth Share Projection also requires an estimate of the future residential and nonresidential development that is anticipated to occur within the Borough from 2005 to 2013. Consequently, we have collaborated with the Borough's engineers to ascertain the level of development anticipated to occur within the Borough in the period from 2005 to 2013. The next tables provide detail of the anticipated development.

Table GS 3: Anticipated Residential Development (Number)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Approved Applications										
Daley	0	1	0	0	0	0	0	0	0	1
Dixon	0	0	1	0	0	0	0	0	0	1
Parent	0	0	2	0	0	0	0	0	0	2
WR Equities	0	1	0	0	0	0	0	0	0	1
Prestige Realty	2	0	0	0	0	0	0	0	0	2
Petcon	0	2	0	0	0	0	0	0	0	2
Society Hill Builders	0	0	2	0	0	0	0	0	0	2
Quigly	0	0	1	0	0	0	0	0	0	1
Shea	0	0	2	0	0	0	0	0	0	2
JNM	0	0	2	0	0	0	0	0	0	2
Sugar Maple Estates	0	0	3	3	0	0	0	0	0	6
Forefront Homes	0	0	0	2	0	0	0	0	0	2
River Road Holdings	0	0	3	0	0	0	0	0	0	3
Anticipated Applications										
Broadmoor Properties (approval under appeal)	0	3	0	0	0	0	0	0	0	3
Victory Homes	0	0	0	7	0	0	0	0	0	7
Kostuck (pending approval)	0	2	0	0	0	0	0	0	0	2
Sinopoli	0	0	1	1	0	0	0	0	0	2
Total Gross COs	2	9	17	13	0	0	0	0	0	41
Demolitions										
Kostuck (pending approval)	0	1	0	0	0	0	0	0	0	1
Petcon	1	0	0	0	0	0	0	0	0	1
Prestige Realty	1	0	0	0	0	0	0	0	0	1
Society Hill Builders	0	1	0	0	0	0	0	0	0	1
JNM	0	0	2	0	0	0	0	0	0	2
Shea	0	1	0	0	0	0	0	0	0	1
Sugar Maple Estates	0	2	0	0	0	0	0	0	0	2
Forefront Homes	0	0	1	0	0	0	0	0	0	1
Quigly	0	1	0	0	0	0	0	0	0	1
Victory Homes	0	0	0	7	0	0	0	0	0	7
Net Development	0	3	14	6	0	0	0	0	0	23

Source: Bonnie L. Heard, PE, CME and C. Bernard Blum, Jr., PE, PP

Table GS 4: Anticipated Non-residential Development (Sq. Ft.)

	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Use Group B										
JNM (area of expansion)	2,922	0	0	0	0	0	0	0	0	2,922
Two River Commons	3,542	0	0	0	0	0	0	0	0	3,542
Net Use Group B	6,464	0	0	0	0	0	0	0	0	6,464
Use Group M										
River Road Holdings (retail)	0	2,870	0	0	0	0	0	0	0	2,870
DEMO: Gulf Station	0	1,200	0	0	0	0	0	0	0	1,200
Net Use Group M	0	1,670	0	0	0	0	0	0	0	1,670
Use Group A2 to A4										
DEMO: Luncheonette	1,300	0	0	0	0	0	0	0	0	1,300
Net Use Group A2 to A4	-1,300	0	0	0	0	0	0	0	0	-1,300

Source: Bonnie L. Heard, PE, CME and C. Bernard Blum, Jr., PE, PP

To project the Borough's growth share, the historical data from 2004 is paired with the information on anticipated development for the period from 2005 to 2013 shown above. For residential development, the sum of all development is divided by nine to reach a Growth Share Obligation. For nonresidential development, the total net square footage is converted to jobs by means of multipliers developed by COAH (detailed in Appendix E of N.J.A.C. 5:94 and incorporated into the analysis herein) and then divided by 25 to reach a Growth Share Obligation. The following tables detail the calculation of the Growth Share Obligation generated by residential and nonresidential development.

Table GS 5: Residential Growth Share Projection

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Anticipated Units	0	2	9	17	13	0	0	0	0	0	41
2004 Units	35	0	0	0	0	0	0	0	0	0	35
Demolished Units	24	2	6	3	7	0	0	0	0	0	42
Exclusions²	0	0	0	3	2	0	0	0	0	0	5
Final Net Units	11	0	3	11	4	0	0	0	0	0	29
Affordable Units (Net/9)	1.2	0.0	0.3	1.2	0.4	0.0	0.0	0.0	0.0	0.0	3.2

Note: Normal rounding errors may be present. Totals are most accurate.

² According to N.J.A.C. 5:94-2.4(a)3, affordable units included in the third round Fair Share Plan shall be excluded from the projected residential growth for the purposes of projecting the growth share. Accordingly, 3 units have been excluded from the River Road Holdings Site, and an additional 2 units have been excluded from the Victory Homes Site.

Table GS 6: Non-residential Growth Share Projection

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Net Anticipated Jobs											
Use Group: B	0	19	0	0	0	0	0	0	0	0	19
Use Group: M	0	0	2	0	0	0	0	0	0	0	2
Use Group: A2 to A4	0	-4	0	0	0	0	0	0	0	0	-4
Use Group: E	7	0	0	0	0	0	0	0	0	0	7
Total Net Jobs	7	15	2	0	0	0	0	0	0	0	24
Affordable Units from Jobs (Total Net Jobs/25)	0.3	0.6	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0

Note: Normal rounding errors may be present. Totals are most accurate.

Based upon the above, the total combined Growth Share Obligation is then four (4) units of affordable housing ($3.2 + 1.0 = 4.2$). The residential component of this projection consists of three (3) units; the non-residential component consists of one (1) unit. The table displayed below provides a summary of this growth share projection:

Table GS 7: Summarized Growth Share Projection (Units Affordable)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Components											
Residential	1.2	0.0	0.3	1.2	0.4	0.0	0.0	0.0	0.0	0.0	3.2
Non-Residential	0.3	0.6	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Total	1.5	0.6	0.4	1.2	0.4	0.0	0.0	0.0	0.0	0.0	4.2

Note: Normal rounding errors may be present. Totals are most accurate.

Growth Share Projection: Presumption of Validity

In accordance with COAH regulations, T&M has calculated the Household and Employment Growth Projections with US Census data and projections from the North Jersey Transportation Planning Authority. The following tables detail these projections.

Table GS 8: NJTPA Household Growth Projection

2015 NJTPA Households	-	2005 NJTPA Households	=	Household Change
2,480	-	2,470	=	10

Table GS 9: NJTPA Employment Growth Projection

2015 NJTPA Employment	-	2005 NJTPA Employment	=	Employment Change
1,390	-	1,420	=	-30

The total number of new households projected in the calculation of Rumson’s Growth Share obligation is 34, or 24 units more than the household growth projection derived from NJTPA data. In addition, the total number of new jobs (employment) projected in the calculation of Rumson’s Growth Share obligation is 24, or 54 jobs more than the employment growth projection derived from NJTPA data. Consequently, both the residential and non-residential components of the growth share projection will, according to COAH standards, enjoy a presumption of validity.

Growth Share Projection: Potential to Accommodate Projected Growth

The Borough has limited capacity for growth, which is reflected in the Borough’s August 7, 2003 Vacant Land Inventory and Analysis Report. Accordingly, the projected residential and non-residential growth for the Borough will be the result of limited infill development and small scale, private redevelopment initiatives. Given the limited growth potential, it is anticipated that the Borough’s current zone plan, including its affordable housing ordinances, will provide adequate capacity for projected growth.

FAIR SHARE PLAN

Components of the Fair Share

COAH's Cycle III regulations call for the establishment of fair share responsibilities based upon three components: (1) the rehabilitation component; (2) the recalibrated Cycle I/Cycle II new construction component; and (3) the growth share component.

In accordance with COAH's methodology, the rehabilitation component represents the number of deteriorated units that are occupied by low or moderate households based upon the 2000 Census. In the case of Rumson, COAH has assigned the Borough a rehabilitation obligation or "indigenous need" of zero units.

The Cycle I and II new construction component represents the new construction component that COAH assigned in 1994 pursuant to its Cycle II regulations, which COAH has recalculated based upon the 2000 Census. In the case of Rumson, COAH has assigned the Borough a Cycle I and II new construction obligation of 268 units. However, in the third housing cycle as in the second, COAH regulations authorize a municipality to follow proscribed procedures to secure a "vacant land adjustment." For those municipalities that demonstrate entitlement to an adjustment, the municipality will have a "realistic development potential" (RDP), and an "unmet need." COAH makes different requirements of a municipality with respect to its RDP than with respect to its unmet need. The Borough demonstrated that it has an RDP of zero and thus an unmet need of 268. Thus, the Borough must comply with N.J.A.C. 5:93-4.2(h) setting forth how the municipality proposes to address its unmet need.

As to the growth share component, the new substantive rules state that for every eight market-rate residential units projected to be constructed between January 1, 2004 and January 1, 2014, a municipality is obligated to provide one affordable unit. In addition, a municipality is obligated

to provide one affordable unit for every 25 newly created jobs in this 10-year period, as measured by non-residential construction. In contrast to the new construction component of the Cycle I and II new construction obligation, municipalities may not secure an adjustment to their growth share responsibility. Thus, the Borough has a responsibility to create a realistic opportunity for four (4) units to address its Cycle III growth share responsibility.

Cycle I/Cycle II Responsibilities

As noted, COAH has recalculated the new construction component of each municipality's Cycle I/Cycle II responsibility based upon the 2000 census. More specifically, in the case of the Borough, COAH has recalibrated the Cycle I and II new construction responsibility to 268 units. (See Appendix C of N.J.A.C. 5:94.) However, in accordance with Cycle III regulations, as with the case of Cycle II regulations, municipalities are still entitled to adjust the Cycle I and II new construction component based upon the lack of vacant developable land. The Borough recently conducted such an analysis (See Vacant Land Inventory and Analysis Report, prepared for the Borough by C. Bernard Blum, Jr., PE, P.P. and Stanley C. Slachetka, AICP, P.P., dated August 7, 2003), which is incorporated into this plan by reference. (See Appendix A.) This report demonstrates that the Borough is entitled to adjust its 268 Cycle I and II responsibility to zero.

Evaluation of the Unmet Need

In order to address the unmet need, COAH regulations require an examination of a municipality's existing land use map and an identification of areas that could potentially develop or redevelop during the period covered by its substantive certification. According to COAH's rules:

Examples of such areas include, but are not limited to: a private club owned by its members; publicly owned land; downtown mixed use areas; high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; and properties that may be subdivided and support additional development [N.J.A.C. 5:93-4.2(h)].

After the analysis described above, the Council may require any combination of the following in an effort to capture opportunities for affordable housing:

- Zoning amendments that permit apartments or accessory apartments;
- Overlay zoning requiring inclusionary development or the imposition of a development fee consistent with N.J.A.C. 5:93-8; In approving an overlay zone, the Council may allow the existing use to continue and expand as a conforming use, but provide that where the prior use on the site is changed, the site shall produce low and moderate income housing or a development fee; or
- Zoning amendments that impose a development fee consistent with N.J.A.C. 5:93-8.

The Borough has examined its existing land use map and undertaken the analysis suggested by COAH's rules and has come to the following conclusions with respect to the options recommended by COAH:

- Private Club Owned by its Members: The Borough has two private clubs currently owned by its members – the Rumson Country Club located on Rumson Road in the southwestern portion of the Borough and the Seabright Lawn Tennis and Cricket Club located on Rumson Road in the eastern portion of the Borough. An overlay zone for multifamily housing over the Rumson Country Club would not create a realistic opportunity for the construction of affordable housing. The Rumson Country Club is member-owned, with recent improvements, and is highly unlikely to change use in the foreseeable future regardless of the zoning. A letter expressing the position of the Country Club with regard to its future development is attached as Appendix B. Further, the Borough is providing other, more realistic, options to capture opportunities for affordable housing as described below. The Lawn Tennis and Cricket Club is identified as a National Register Historic Landmark and, as such, is not appropriate for development or redevelopment.

- Downtown Mixed Use Areas: The Borough has areas located in the northern portion of the Borough near the Navesink River that contains a number of small non-residential uses that could potentially be redeveloped to include accessory residential apartments. These uses are located primarily in its GB, NB, and POB Zones. Accordingly, the Borough has adopted an overlay on these districts, which permits, as a conditional use, residential units in a mixed-use development scenario so long as minimum of 50 percent of the new units are deed restricted for affordable housing purposes. This will go into effect when COAH approves the Borough's plan. The Borough's approach is described in further detail below.
- High Density Residential Areas Surrounding the Downtown: There are no existing high-density residential areas in the Borough or any such areas proximate to a commercial downtown core as contemplated by COAH's regulations.
- Areas with a Large Aging Housing Stock Appropriate for Accessory Apartments: An accessory apartment program would be realistic, given the range of housing types within the Borough. In fact, many of the Borough's larger estate homes have former maid and/or butler quarters, care-taker's residences, and accessory units that were created prior to the current zoning standards. There also are a variety of carriage houses, cabanas, and similar outbuildings located throughout the Borough that could be converted to accessory apartment units. Consequently, there is a significant opportunity to capture affordable housing through an accessory apartment program in the Borough given appropriate financial incentives to encourage the creation of new units and the conversion of existing accessory units for affordable housing. The Borough's has adopted an accessory apartment program, which is described below. The Borough has received a number of inquiries concerning the program and expressions of interest from property owners concerning the creation of accessory units. (See Appendix C.)

- Properties that may be Subdivided and Support Additional Development: Rumson does have areas where residential lots are larger than the minimum lot standard in the district. However, in almost all instances, these are developed with large estate homes that are in keeping with the character and lot pattern of the surrounding low-density residential neighborhoods that are developed with similar residential dwellings. In many instances, the existing residential dwellings and accessory structures are located in or proximate to the center of these sites. In analyzing the Borough's existing land use characteristics as contemplated in COAH's regulations, the Borough has concluded that there are no sites in Rumson where a large tract could reasonably be created by subdivision for the purpose of providing a high-density multi-family housing project that would be compatible with the Borough's established community character, development patterns, and residential densities.

Consideration of established community character, neighborhood development patterns, and existing densities have been well-established factors in analyzing the suitability of sites pursuant to Mount Laurel doctrine and COAH practice. In this regard, when a developer proposes to develop at densities substantially greater than the surrounding neighborhood, the following factors should be considered:

- (a) In Mount Laurel II, the Supreme Court stated "The Mount Laurel doctrine should ordinarily be able to be accommodated, for example, without placing lower income housing projects in the middle of long-settled middle or upper income sections of a town." Mount Laurel II at 240.
- (b) Consistent with Mount Laurel II, the State Plan calls for the following policies in Planning Area 1: "Stabilize older suburbs" and "Protect the character of existing communities." (SDRP, p. 190).
- (c) In Planning Area 2, the State Plan cites the need for development and redevelopment activities "to be consistent with the traditional urban fabric"

and to take into consideration “the scale and character of the surrounding fabric.” (SDRP, p. 179, 196)

- (d) COAH regulations call for sites to be suitable, which means “adjacent to compatible land uses” and “has access to appropriate streets.” (N.J.A.C. 5:93-1.3.)
- (e) Similarly, COAH regulations require COAH to consider “**the character of the area surrounding each site**” in determining whether an “underutilized” site should be included in the calculation of the RDP (N.J.A.C. 5:93-4.2 (f))

COAH recently reinforced these principles in the following Comment and Response to its Cycle III regulations:

Comment on N.J.A.C. 5:94-3.1(a): The proposal preserves the existing standards for municipalities concerning vacant land adjustments, which allows the Council to exercise its discretion regarding what to require of a municipality that is being granted a vacant land adjustment. The Council should be consistent with principles in Mt. Laurel II and the State Planning Act, which call for the preservation of existing neighborhoods. Lower income housing projects, for instance, should not be placed in the "middle of long-settled middle or upper income sections of a town." (Mt. Laurel II). The SDRP says planning should "consider the scale and character of the surrounding fabric." In determining vacant land adjustments, the Council's analysis should include the following: 1) a determination of site suitability in accordance with the Council's regulations, 2) a review of the site, including its size, configuration, topography, and environmental constraints, 3) a review of surrounding land uses, including type, density, and intensity of development surrounding the site, and 4) need for sufficient buffering and screening. This should be formally codified in the Council's regulations.

Response: In determining vacant land adjustments, the Council's analysis includes: a determination of site suitability; a review of the site, including its size, configuration, topography, and environmental constraints; **and a review of surrounding land uses (including type, density, and intensity of development surrounding the site). These provisions are codified in the Council's rules at N.J.A.C. 5:93-4.2 which will remain in force as a mechanism to address 1987-1999 affordable housing obligations.** (36 N.J.R. 5769)

In light of the above, any consideration of “properties that may be subdivided and support additional development” (see N.J.A.C. 5:93-4.2(h)) needs to be undertaken in light of the character of the surrounding neighborhoods.

The KTK Site

The KTK site has the following characteristics:

- (a) The KTK site is located almost entirely within the 100 year flood hazard area. (See Figure 4.)
- (b) Flooding has been a consistent and major problem in the area and along the entire southern portion of the Borough proximate to the Shrewsbury River.
- (c) During the “storm of record” in this area, which occurred in 1992, the KTK property was under two to eight feet of water. Pictures exist which show the severity of the floodwaters. (See Appendix D.)
- (d) During the “storm of record” in this area, flooding of more than two feet occurred north of the site, all the way to the intersection of Shrewsbury Drive and Avenue of Two Rivers South, or a distance of over 1,000 feet.
- (e) A storm coinciding with the Coastal Base Flood Elevation for Flood Insurance Regulations would be even more severe than the 1992 flood of record.
- (f) In this type of storm, Avenue of Two Rivers South would be under six feet or more of water throughout its entire length, up to its intersection with Shrewsbury Drive; and

flooding depths of over two feet would extend inland more than 2,400 feet, or almost one-half mile past the site to the north.

- (g) As Avenue of Two Rivers South would be the only means of egress for the residents of the proposed development, and ingress for any emergency vehicles, this would create a significant risk to public health and safety

Given the flooding hazard in this area of Rumson, the Borough's ongoing land use planning policy of low density residential development is consistent with sound land use planning. Indeed, the neighborhood within which the site is located is developed with large-lot single family residential development at relatively low densities – 0.23 units per acre.

In view of these facts, clearly the KTK site is not a site where redevelopment should be encouraged.

The HHK Site

The HHK site has the following characteristics:

- (a) The site contains approximately four acres;
- (b) The site is an irregular-shaped parcel with 188 feet of frontage on River Road, with an average depth of approximately 900 feet; and
- (c) The site is in a low density, single-family residential area of .33 units per acre.

HHK proposed to develop the HHK site as follows:

The HHK site is "suitable for development for multi-family housing, including townhouses, condominiums and apartments. HHK "is ready, willing and able to construct up to 50 units of housing on the properties, including a substantial amount of low and moderate income housing." (Amended Complaint at paragraphs 28 and 29)

The HHK site is located in an area of the Borough that is developed with large lot, single-family, residential development at low densities of .33 units per acre. Through their builder's remedy suit, HHK sought the right to develop the site at densities of roughly 8-12 units per acre. Thus, HHK sought to develop their site at densities as high as 24-36 times the development density of the surrounding residential neighborhood.

While the KTK and HHK sites do not represent appropriate sites for Mount Laurel development, the other measures the Borough proposed to take and in fact took represent an appropriate way to generate a significant amount of affordable housing. These measures are set forth below. Thus, in the context of COAH regulations, the Borough's plan achieves the balance called for by COAH regulations between "the character of the area surrounding each site" and "the need to provide housing for low and moderate income households." N.J.A.C. 5:93-4.2 (h).

If at some point in time, COAH determines that Rumson has an RDP greater than zero, the Borough reserves the right to use any appropriate and applicable technique permitted under COAH's regulations to address its RDP either through the measures specified in this plan and/or other measures.

Mechanisms to Address the Cycle I and II Unmet Need

Development Fee Ordinance

Rumson has adopted a development fee ordinance designed in accordance with COAH's model and COAH has, in fact approved that ordinance. The ordinance applies to all new non-residential and residential development. The development fee for non-residential development is two (2%) percent of equalized assessed value. The development fee for eligible residential development is one (1%) percent of equalized assessed value. Improvements to existing dwellings resulting in a 25 percent or greater increase in floor area of the building are required to pay a fee proportional to the increase in equalized assessed value due to the improvements.

If there is a zoning change or use variance that permits increased residential or non-residential development, the Borough's ordinance imposes a development fee of six (6%) percent of the equalized assessed value resulting from the additional units or floor area realized as a result of the rezoning or use variance. This provision also follows COAH's model.

In accordance with COAH's requirements, the proceeds from the development fee ordinance will be deposited in a housing trust fund and will be used for COAH approved activities to address the Borough's low and moderate-income housing needs. The Borough will adopt a spending plan in accordance with COAH's model governing the future use of development fee monies.

Accessory Apartments

The Borough has enacted an accessory apartment/carriage house ordinance that permits accessory apartments and carriage house apartments in the Borough's R-1 and R-2 Zones. The Borough's accessory apartment ordinance follows the provisions of COAH's model accessory apartment ordinance for cycle I and II plans, and includes the following provisions:

- The bulk requirements of the zone in which the accessory apartment is to be created shall be met.
- The accessory apartment may only be rented to a low and moderate-income household at the time of the initial occupancy.
- The Borough will alternate one low and one moderate unit to maintain the 50/50 split.
- The units must be affirmatively marketed to the housing region.
- Affordability controls shall be maintained for a minimum of 10 years.
- An administrative entity will be designated to run the local program.
- Rent increases shall be in accordance with COAH-approved percentages.

The ordinance also has provisions, consistent with COAH's standards, to encourage the conversion of any existing "illegal" accessory apartments to legal affordable apartments through a grandfather provision consistent with the standards listed at N.J.A.C. 5:93-5.9 of COAH's

rules.

The Borough's adopted ordinance calls the provision of \$10,000 per unit and the ordinance has attracted considerable interest. However, in order to make this response to the unmet need an even more effective means to produce affordable housing, the Borough will increase the subsidy for accessory apartments to \$25,000 per unit.

Mixed-use Overlay Zones

The Borough has created a new mixed-use overlay option in the Borough's GB General Business; NB Neighborhood Business, and POB, Professional Office Business Zones. All these districts currently permit single-family residential development. The overlay ordinance permits the development of new mixed-use buildings or the conversion of existing non-residential uses to a mixed-use building in each of these districts, so long as the following conditions are met:

- A minimum of fifty (50) percent of the units must be affordable units.
- At least fifty percent of the affordable units shall be low-income units. If only one affordable unit is created in a project, the unit shall be a low-income unit.
- The apartment(s) designated as low- or moderate-income units may only be rented to a low- or moderate-income household at the time of the initial occupancy.
- The bulk requirements for non-residential development in the respective zone shall be met, including relevant coverage standards.
- Building height shall be limited to two and one-half stories.
- The ground floor of the building shall contain only nonresidential uses.
- On-site parking must be provided for all uses on site in accordance with RSIS and Borough standards.
- The units must be affirmatively marketed to the housing region.
- Affordability controls shall be maintained for a minimum of 30 years.
- Rent increases shall be in accordance with COAH-approved percentages.

The Borough has reviewed existing development patterns in these zones and has determined that a number of existing nonresidential developments could potentially be redeveloped in such a mixed-use arrangement consistent with the existing character of these areas. It is important to note that these overlay areas address the unmet Cycle I and II new construction obligation of the Borough and are addition to the Borough's Cycle III plan. The Borough has included other affirmative measures, including new inclusionary zoning district to address its Cycle III obligation. These are discussed in the section of the plan describing the Borough's third-round Fair Share Plan.

The Borough will annually review the status of the program to determine its progress in creating new affordable units. If, after the first year (or any year thereafter) the Borough determines that there has been a lack of adequate participation in the program, the Borough may consider one following strategies or combination of strategies to increase participation:

- Providing a subsidy to property owners or developers to create the affordable units;
- Seeking a waiver to reduce the length of the deed restriction.

Cycle III Responsibilities and Plan

As noted, the Borough has calculated a growth share responsibility of four (4) affordable units even though the MPO-based projection would yield only one (1) unit. Pursuant to applicable COAH regulations, one (1) of these units must be rental units in accordance with N.J.A.C. 5:94-4.20, and at least 50 percent must be designated for low-income households as per N.J.A.C. 5:94-4.18. Also, no more than 50 percent of the units provided in the Borough (two units) may be age-restricted units.

The Borough strategy to meet the projected obligation includes the construction of affordable units on Block 45, Lot 4 ("the River Road Holdings site") and Block 8, Lot 4 ("the Victory Homes site"). The River Holdings site was recently approved by variance granted by the

Borough Zoning Board and the Victory Homes site is a new inclusionary zoning site in the Borough.

The developer of Block 45, Lot 4, commonly called the River Road Holdings site, has an approval to demolish an existing filling station and replace it with a mixed use development containing ground floor retail space and three (3) non-age-restricted affordable rental units on the second floor. Two of the units will be affordable to moderate-income households and one (1) of which will be affordable for low-income households. The 15,000 square foot parcel is owned by River Road Holdings, LLC and situated at the northwestern corner of North Street and River Road in the GB (General Business) Zone. (See Figure 1.) Surrounding land uses include a mix of commercial and residential uses. This project is included in the growth share projection presented herein. A copy of the approving resolution and site plan are annexed to this plan (See Appendix E.). The site is located in Planning Area 1 of the SDRP, has sewer and water, and is not constrained by any environmental factors. (See Figure 1.) The resolution of approval of the River Road Holdings site requires deed restriction for the units.

Block 8, Lot 4 is known as Victory Homes site, which is located at the corner of Lafayette and Hunt Street. (See Figure 2.) The site is rectangular in shape and contains 0.59 acre (25,840 square feet). The Borough proposes to rezone the site to permit seven (7) townhouse units, including five (5) market-rate units and two (2) low-income rental units. This corresponds to a proposed density of 12 units per acre and a 25 percent setaside. This project is included in the growth share projection presented herein. A draft ordinance regulating development activity on the site is included in Appendix F. The site is located in Planning Area 1 of the SDRP, has sewer and water, and is not constrained by any environmental factors.

Both sites are surrounded by compatible higher density development and a mix of residential and nonresidential uses.

The inclusion of the River Road Holdings and Victory Homes sites within the Borough's Fair Share Plan provides the Borough with credit for five (5) affordable rental units, which exceeds

the Borough's rental obligation of one (1) unit by four (4) units. As a result, the Borough may claim, according to N.J.A.C. 5:94-4.20, four units of bonus credit for those rental units in excess of the Borough's rental obligation. The Borough, therefore, is eligible to receive nine (9) units of credit towards its Cycle III fair share obligation, which results in five (5) surplus credits. This is in addition to the mechanisms already established by the Borough to address its Cycle I and II unmet need (i.e., the Borough's accessory apartment ordinance, overlay zones, and development fee ordinance).

Combined, the affordable units resulting from the construction of Victory Homes and River Road Holdings sites fulfill both the Borough's rental obligation of one (1) unit pursuant to N.J.A.C. 5:94-4.20, and address the required 50 percent low income/50 percent moderate income split of the growth share obligation required by N.J.A.C. 5:94-4.18.

Summary of Cycle III Plan Components

The following table summarizes the manner in which the Borough will address and, in fact, exceed its growth share responsibilities:

Table FS 1: Summary of Cycle III Fair Share Plan

Fair Share Components	
Rehabilitation Share	0
Total Remaining Cycle I and II New Construction Obligation (RDP)	0
Growth Share	4
Compliance	
River Road Holdings (Affordable Rental Units; Non-Age-Restricted)	3
Victory Homes (Affordable Rental Units; Non-Age Restricted)	2
Rental Bonus Credits for Units in Excess of 2-Unit Rental Obligation	4
Total Credits Provided	9
Total Credits Required	4
Surplus Resulting from Excess Credits	5

As noted previously, if at some point in time, COAH determines that Rumson has a Cycle I and II RDP that is greater than zero, the Borough reserves the right to use any appropriate and applicable technique permitted under COAH's regulations to address its RDP either through the measures specified in this plan and/or other measures.

Figures



T&M 11 Tindall Road
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ASSOCIATES Fax: 732-671-7365

**Figure 1: Environmental Constraints of
River Road Holding Site (Block 45, Lot 4)
Borough of Rumson
Monmouth County, New Jersey**

0 50 100
Feet

Prepared by: T&M Associates, November 1, 2005
Sources: Borough of Rumson Tax Assessment Office; NJDEP; FEMA
File Path: H:\RMPB\00080\GIS\Projects\rmpb80_B45L4.mxd

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



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**Figure 2: Environmental Constraints of
 Victory Homes Site (Block 8, Lot 4)
 Borough of Rumson
 Monmouth County, New Jersey**

0 75 150
 Feet

Prepared by: T&M Associates, November 1, 2005
 Sources: Borough of Rumson Tax Assessment Office; NJDEP; FEMA
 File Path: H:\RMPB\00080\GIS\Projects\rmph80_B8L4.mxd

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



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**Figure 3: Location of Block 8, Lot 4
 and Block 45, Lot 4
 Borough of Rumson
 Monmouth County, New Jersey**

0 500 1,000 Feet

Prepared by: T&M Associates, November 1, 2005
 Sources: Borough of Rumson Tax Assessment Office; NJDEP; FEMA
 File Path: H:\RMPB\00080\GIS\Projects\rmprb80_B8L4_AND_B45_L4.mxd

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



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- KTK Site Property Boundary
- 100-Year Flood Hazard

0 380 760
 Feet

Prepared by: T&M Associates, October 18, 2005
 Sources: Monmouth County GIS; FEMA

**Figure 4: Flood Hazard Areas on KTK Site
 Borough of Rumson
 Monmouth County, New Jersey**



NOTE: This map was developed, in part, using Monmouth County Geographic Information System digital data, but this secondary product has not been verified by MCGIS and is not warranted by the County.

Appendix A:
Vacant Land Inventory
and Analysis Report

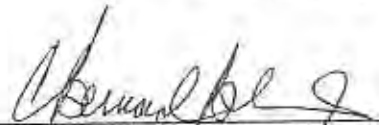
Vacant Land Inventory and Analysis Report

Prepared for

Borough of Rumson
Monmouth County, New Jersey

August 7, 2003

Prepared by:



C. Bernard Blum, Jr., P.E., P.P.
Rumson Borough Engineer
New Jersey Professional Engineer No. GE 14227
New Jersey Professional Planner No. L.I. 887



Stanley C. Slachetka, P.P.
New Jersey Professional Planner L.I. 3508

For the firm of:

TM

11 Tindall Road
Middletown, NJ 07748

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REASON FOR REQUEST

COAH regulations permit municipalities to request an adjustment from their housing need due to a lack of available vacant and developable land. Pursuant to N.J.A.C. 5:93-4.2, municipalities requesting an adjustment of their fair share obligation due to lack of available land must submit an inventory of vacant and undeveloped parcels by lot and block, with property ownership and acreage. All privately-owned parcels identified as vacant in the Borough's tax assessment records are listed in the accompanying Vacant Land Inventory Table in Appendix A. Where two or more contiguous vacant lots are in common ownership, the parcels have been combined into a single tract on the inventory. Property owned by the Borough is listed in the Municipal Lands Table in Appendix B. Vacant and municipally owned sites have been mapped in the accompanying Vacant Land Inventory Map in Appendix C.

PERMITTED EXCLUSIONS

COAH regulations also establish the criteria by which sites or portions of sites in a municipal vacant land inventory may be excluded from the calculation of the municipality's RDP. Environmentally sensitive areas may be excluded from consideration, including flood hazard areas, wetlands, and areas characterized by steep slopes (defined in COAH's regulations as slopes with a grade of greater than fifteen percent) that render a site or portion of a site unsuitable for low and moderate income housing. In addition, small isolated lots having an insufficient acreage to generate an affordable housing setaside as part of an inclusionary development may be excluded. Vacant lots under development as part of an approved subdivision or that received site plan approval for development may also be excluded. Landlocked parcels or sites with limited or no access may also be excluded from the calculation of the RDP.

The Vacant Land Inventory Table in Appendix A provides a parcel by parcel description of the exclusions that have been made pursuant to COAH's guidelines. The general categories of exclusions are summarized as follows:

1. **Small and Isolated Sites.** Several sites listed in the vacant land inventory consist of small and isolated vacant lots that are too small to be realistically developed with an inclusionary development and have been eliminated pursuant to N.J.A.C. 5:93-4.2(c)2. In a number of cases, these lots are associated with an adjacent residential use and are in common ownership. They are used as yards for these dwellings.

COAH's minimum presumptive density in calculating the RDP is six units per acre with a twenty percent setaside. At six units per acre, at least 0.8 acres must be present to yield one affordable unit at a 20 percent setaside. Consequently, properties with less than 0.8 acres have been excluded. A field investigation was undertaken to confirm that the larger of these small isolated lots (0.5 to 0.8 acres) are not in areas where the application of a higher presumptive density would be appropriate. As a result of this investigation, these lots also were eliminated.

2. **Environmental Constraints.** Environmentally constrained lands may be eliminated pursuant to N.J.A.C. 5:93-4.2(e)2. Environmental constraints fall into the following three categories:

- a) **Wetlands.** A number of lots have been eliminated in part due to the presence of wetlands. Wetlands areas and their relationship to the vacant land inventory sites are mapped in the accompanying Environmental Constraints Map, which also includes floodplain data. In many cases these wetland areas are located within or are coterminous with the flood hazard areas on the site.

- b) **Flood Hazard Areas.** COAH regulations permit flood hazard areas as defined in N.J.A.C. 7:13 and mapped by the NIDEP to be eliminated from the developable land acreage of properties included in the vacant land inventory. If there is no state study of the flood hazard area and the flood drainage is fully developed, then the municipality may use the most recent flood insurance maps to determine the flood hazard area. Consequently, Rumson has used FEMA Flood Insurance Rate Map data to map the flood hazard areas within the Borough. These areas are shown in the accompanying Environmental Constraints Map. Where more detailed data is available, this information is shown. Many sites within the southern portion of the Borough near the Shrewsbury River are impacted by flood hazard areas and have been eliminated in whole or in part due to this constraint. In addition, several "sedge" islands have been eliminated from the inventory.

- c) **Steep Slopes.** COAH regulations allow slopes of greater than 15 percent to be excluded from the calculation of the RDP. However, if a municipality has a steep slope ordinance that allows development within steep slopes, these areas can only be excluded to the extent that they are regulated in the steep slope ordinance. The Borough has taken no exclusions for steep slopes but will consider steep slopes in analyzing particular sites.
3. **Access.** Sites with inadequate access have been eliminated. Typically, these are land-locked lots or lots where access is constrained due to limited lot frontage or other constraints, including environmental constraints.
4. **Association Owned Properties and Dedicated Open Space.** Parcels owned by property associations as common areas, dedicated open space, or used for drainage basins and similar drainage facilities have been eliminated.
5. **Approved Site Plans.** Consistent with COAH practice, properties that have an approved subdivision or site plan have been eliminated.
6. **Incompatible Land Uses.** Sites that are adjacent to or located in areas with incompatible land uses have been determined to be not suitable for low and moderate income housing in accordance with the provisions of N.J.A.C. 5:93-4.2(e)6 and the definition of suitable site as set forth in N.J.A.C. 5:93-1.3, and may be eliminated. No sites on the vacant land inventory were eliminated due to incompatible land uses.
7. **Municipal Sites.** Municipally owned sites are listed in the Municipal Sites Table in Appendix B and shown in the Municipal Sites Map in Appendix C. No municipally owned sites are included in the calculation of the Borough's RDP. Existing municipally owned parcels include Borough offices, public safety facilities, as well as public parks, playgrounds recreation and conservation areas listed in the Borough's Green Acres Recreation and Open Space Inventory (ROSI). Lands on the ROSI account for approximately 90 acres of parks and open space areas. (Parcel information shown in the vacant land inventory tables was provided by the Borough Tax Assessor.)

- a) **Active Recreation Sites.** Municipalities may reserve up to three (3) percent of their total "developed and developable acreage" for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing and the calculation of the RDP. Developable acreage is the total vacant and undeveloped lands in the municipality minus historic and architecturally important sites, agricultural lands, and environmentally sensitive lands excluded from the vacant land inventory by COAH's rules. Also excluded from the calculation of total vacant and undeveloped lands are those owned by nonprofit organizations, counties and the State or Federal government that are precluded from development. Existing active municipal recreation areas are then subtracted from the three percent calculation of total developed and developable acreage to determine additional land that may be reserved for active municipal recreation.

Rumson has a total of 3,029.2 acres of developed and developable lands in the Borough. Based on the calculation of developed and developable acreage, the Borough may reserve up to 90.9 acres of active recreation lands. Currently, the Borough has approximately 44.2 acres of property used for active recreation. (See Municipal Lands Inventory Table in Appendix B.) The Borough may reserve up to 46.7 additional acres for active recreation.

- b) **Future Conservation/Passive Recreation/Open Space.** A municipality may reserve up to three (3) percent of its total land area for conservation, parklands, or open space. Based on a total land area of 3,252.2 acres, Rumson may reserve up to 97.6 acres for conservation, parklands or open space. Currently, the Borough has 45.79 acres of municipally owned land reserved for "conservation, parklands and open space." (See Appendix B.) The Borough may reserve up to 51.8 additional acres for open space purposes.

RECOMMENDATION

Based on analysis of the Borough's vacant land inventory, all of the sites listed in the inventory may be excluded from the calculation of the Borough's RDP. The reasons for the exclusions are listed in the table in Appendix A. Consequently, the Borough of Rumson's RDP is zero. In the event that it is determined that the Borough has an RDP, the Borough shall—consistent with N.J.A.C. 5:93-4.2(g)—select a method that it deems appropriate to address this RDP.

SUMMARY AND CONCLUSION

The vacant land analysis reveals that the Borough of Rumson does not have sufficient acreage to accommodate its 268-unit new construction obligation. After following the procedures for undertaking a vacant land adjustment analysis described in COAH's regulations, it has been determined that, the Borough of Rumson has an RDP of zero units.

APPENDIX A

Vacant Land Inventory Table

APPENDIX A: VACANT LAND INVENTORY 2003: PRIVATE LANDS
BOROUGH OF RUMSON, NEW JERSEY

Site Identification										
Site ID No.	Block	Lot	Location	Owner	Site Area (acres)	Environmentally Sensitive			Area Exclusions as per N.J.A.C. 5:93-4.2(e)	Developable Acres
						Wetlands	Floodplain	Steep Slopes	Net Area Remaining	
1	93	16.06	1 Willowbrook Road	Crested Butte, LLC	2.39	0.22	0.00	0.00	2.17	Developed with single-family dwelling
2	93	16.10	5 Willowbrook Road	Dimisa, Doris	3.46	0.46	0.00	0.00	3.00	Part of previously approved residential subdivision. Pond in rear of property. Undersized parcel.
3	113	11	Conover Lane	Somerset Capital, LLC	4.66	1.86	2.80	0.00	0.00	In flood plain. Wetlands. Subdivision [?]
4	121	2	End of Broadmoor	Broadmoor Properties, Inc.	7.59	0.00	7.59	0.00	0.00	In flood plain. Subdivision application under review by Planning Board.
5	121	1	End of Broadmoor	Broadmoor Properties, Inc.	8.02	4.49	3.54	0.00	0.00	In flood plain. Wetlands. Subdivision application under review by Planning Board.
6	123	2.02	105 Rumson Road	Duff, Thomas & Susan	1.58	0.41	0.21	0.00	0.95	Pond. Wetlands. Part of adjacent residential property.
7	124	18	172 Bingham Avenue	Gehlhaus, Henry F. II & Allison	1.98	1.44	0.54	0.00	0.00	Flood plain & wetlands.
8	126	14	87 Rumson Road	Greenleaf, Wayne & Jamie	3.02	1.96	0.58	0.00	0.48	Part of adjacent residential property. Wetlands in rear of site.
9	128	10.1	Oyster Bay Drive	Bloom, Henry c/o GB Ltd.	0.45	0.00	0.45	0.00	0.00	In flood plain. Undersized parcel.
10	135	7	S. Shrewsbury Drive	Sorensen, Arthur	0.53	0.35	0.18	0.00	0.00	In flood plain. Wetlands. Undersized parcel.
11	138	3	Warren Street	Desmond, Francis J. & Joan H.	0.10	0.00	0.10	0.00	0.00	In flood plain. Part of adjacent residential property. Undersized parcel.
12	142	4	15 Rumson Road/ CR WA	Borneman, Steven W. & Linda S.	0.17	0.00	0.12	0.00	0.05	Undersized parcel. Part of adjacent residential property.
13	144	13	Waterman Avenue	Perkins, Audrey W.	0.26	0.00	0.26	0.00	0.00	In flood plain. Undersized parcel. Part of adjacent residential property.
14	144	27.01	River Place	Johnson, Edward & Leona	0.26	0.00	0.26	0.00	0.00	In flood plain. Undersized parcel. Part of adjacent residential property.
15	150	1	Gunning Island	Bloom Island Inc. c/o GB Ltd. Oper. Co.	15.37	1.83	13.55	0.00	0.00	Sedge island
16	163	1	Island W. of Barley Point	Dubouchet Holding Co. c/o D. Dorn	3.24	0.00	3.24	0.00	0.00	Sedge island
17	164	1	Islands W. of Barley Point	Dubouchet Holding Co. c/o D. Dorn	11.32	0.00	11.32	0.00	0.00	Sedge island
18	164	2	Island	Unknown Owner	5.32	0.00	5.32	0.00	0.00	Sedge island
19	168	1	Island	Unknown Owner	1.01	0.00	1.01	0.00	0.00	Sedge island
20	11	21	East River Road	Gallagher, Marie O.	0.79	0.13	0.65	0.00	0.02	Wetlands. Part of adjacent residential property. Narrow, irregularly shaped lot.
21	33	35.01	31 Allen Street	Kondrup, Adolph	0.11	0.00	0.00	0.00	0.11	Undersized parcel. Part of adjacent residential property.
22	38	10	16 Forrest Avenue	Caruso, Janet	0.20	0.00	0.00	0.00	0.20	Undersized parcel. Part of adjacent residential property.
23	55	9	76 Blackpoint Road	Haywood, Robert & Lisa	0.12	0.00	0.00	0.00	0.12	Undersized parcel. Part of adjacent residential property.
24	61	25	166 E. River Road	Hurdtown Builders, Inc.	0.19	0.00	0.00	0.00	0.19	Developed with single-family dwelling
25	69	6	28 Holly Street	Josselyn, Barbara R.	0.12	0.00	0.00	0.00	0.12	Undersized parcel. Part of adjacent residential property.
26	70	5.01	Ridge Road	Parent, Arthur F. & Leslie H.	2.03	0.93	0.15	0.00	0.95	Part of adjacent residential property. Wetlands.
27	76	6	6 North Ward Avenue	Moretti, Albert V. & Christina M.	1.93	0.00	1.93	0.00	0.00	Flood plain.
28	85	13	162 Rumson Road	Moros, Zack J. & Roula	1.84	0.00	0.00	0.00	1.84	Single family dwelling under construction
29	45	15.01	49 Forrest Avenue	Rumson Builders, LLC	0.11	0.00	0.00	0.00	0.11	Developed with single-family dwelling
30	45	15.02	51 Forrest Avenue	Rumson Builders, LLC	0.16	0.00	0.00	0.00	0.16	Developed with single-family dwelling
31	100	9.01	15 Ridge Road	Dougherty, Robert & Kathleen	2.53	0.00	0.14	0.00	2.40	Residential subdivision.
32	100	9.03	129 Avenue of Two Rivers	Turso, Peter & Kathleen	1.22	0.00	0.00	0.00	1.22	Residential subdivision.
33	100	9.02	127 Avenue of Two Rivers	McCarthy, Peter J. & Pia	1.50	0.00	0.00	0.00	1.50	Residential subdivision.
34	88	7	Ridge Rd. & Bellevue Ave.	Fareholm c/o Chapman, Bird, & Grey	1.29	0.00	0.00	0.00	1.29	Part of adjacent residential property.
TOTAL ACREAGE					84.87	14.07	53.93	0.00	16.87	0.00

APPENDIX B

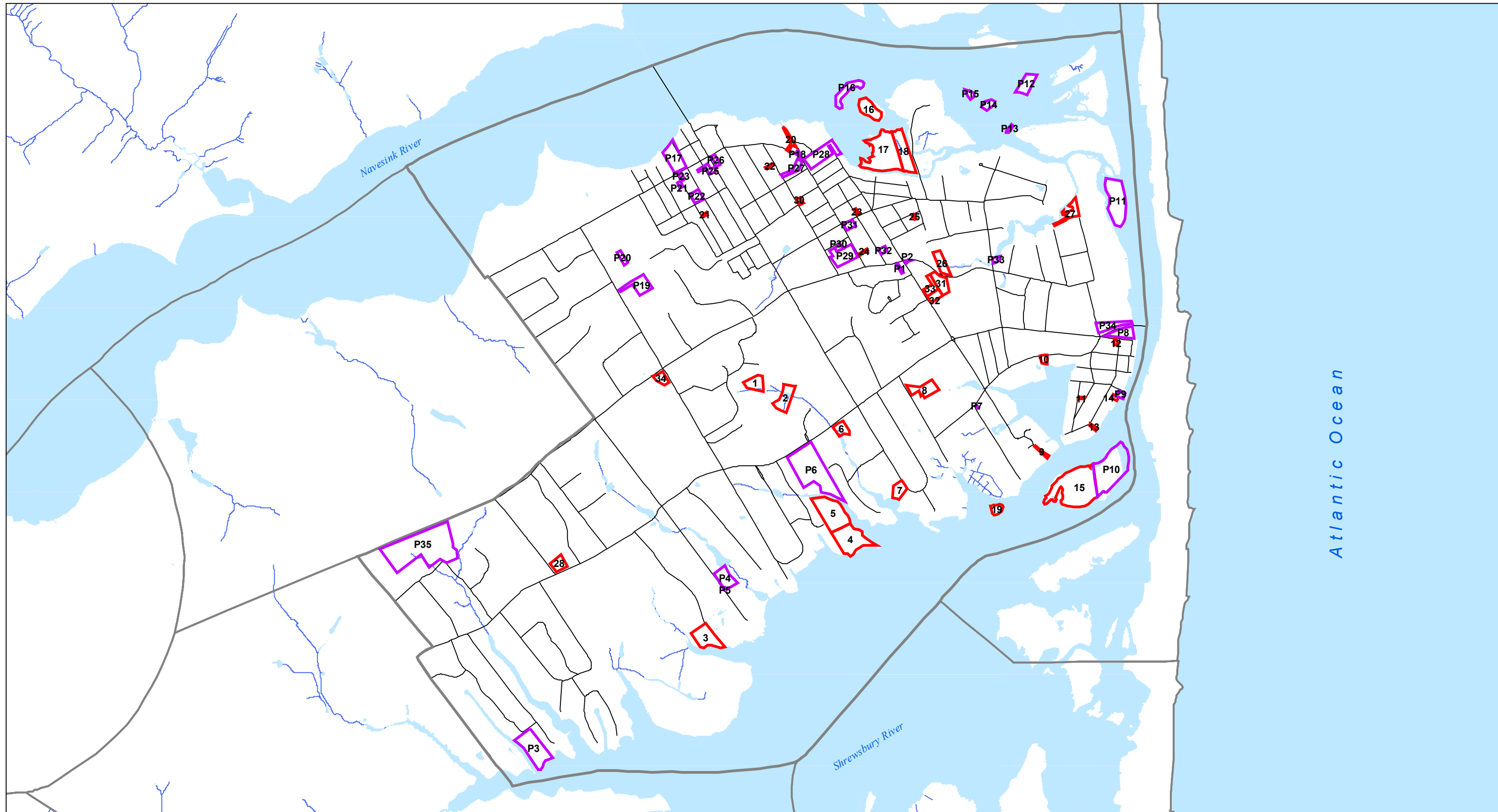
Municipal Lands Table

**APPENDIX B: MUNICIPAL LANDS TABLE
BOROUGH OF RUMSON, NEW JERSEY**

Site Identification										
Site ID No.	Block	Lot	Location	Area Name (if known)	Site Area (acres)	Area Exclusions as per N.J.A.C. 5:93-4.2(e)			Comments	
						Wetlands	Floodprone	Net Area Remaining		
P-1	99	13	Ridge Road	Parking Lot	0.17	0.00	0.00	0.17	Other	
P-2	100	13	Ave of Two Rivers & Ridge	Oceanic Public Library Trust	0.13	0.00	0.00	0.13	Other	
P-3	105	28	Riverside Drive	Riverside Park	7.09	0.00	7.09	0.00	Active	
P-4	115	23.01	Buena Vista Avenue	Disposal Area	3.00	1.41	1.59	0.00	Other	
P-5	115	23.02	Buena Vista Avenue	Pumping Station	0.05	0.00	0.05	0.00	Other	
P-6	122	1	Rumson Road	Open Space	14.47	2.33	8.50	3.64	Passive	
P-7	128	2	Shrewsbury Drive	Sewage Pumping Station	0.05	0.03	0.02	0.00	Other	
P-8	143	1	Rumson Road & Ward Ave.	Pocket Park	2.26	0.00	0.84	1.42	Active	
P-9	144	30	Grant Avenue	Main Pumping Station	0.48	0.00	0.48	0.00	Other	
P-10	150	2	Gunning Island	Sedge Island	12.15	2.54	9.61	0.00	Passive	
P-11	151	1	Island-Ward Avenue	Sedge Island	7.71	0.00	7.71	0.00	Passive	
P-12	155	1	Island E of Barley Point	Sedge Island	2.54	0.00	2.54	0.00	Passive	
P-13	156	1	Island E of Barley Point	Sedge Island	0.27	0.00	0.27	0.00	Passive	
P-14	157	1	Island	Sedge Island	0.99	0.00	0.99	0.00	Passive	
P-15	158	1	Islands E of Barley Point	Sedge Island	0.55	0.00	0.55	0.00	Passive	
P-16	162	1	West of Barley Point	Sedge Island	2.73	0.00	2.73	0.00	Passive	
P-17	5	4	West River Road	Victory Park	4.17	0.00	0.97	3.20	Active	
P-18	11	25	East River Road	Pocket Park	0.18	0.09	0.08	0.01	Active	
P-19	18	15	Bellevue Avenue	Bird Sanctuary	3.26	0.00	0.00	3.26	Passive	
P-20	18	18	Bellevue Avenue	Pocket Park	0.68	0.00	0.00	0.68	Active	
P-21	27	5	Allen Street	Borough of Rumson	0.23	0.00	0.00	0.23	Active	
P-22	28	11	Church & Lafayette	Rogers Park	1.18	0.00	0.00	1.18	Active	
P-23	28	1	25 W. River Road & Allen St.	Oceanic Hook & Ladder	0.26	0.00	0.00	0.26	Other	
P-24	29	6	Washington Street	Parking Lot	0.16	0.00	0.00	0.16	Other	
P-25	30	5	40 Bingham Avenue	Community Center & Parking Lot	0.62	0.00	0.00	0.62	Other	
P-26	36	1	River Road	Parking Lot	0.56	0.00	0.00	0.56	Other	
P-27	39	13	East River Road	Pond	1.12	0.40	0.00	0.72	Passive	
P-28	49	9	East River Road	Borough Hall shed & First Aid	4.49	0.31	4.10	0.09	Other	
P-29	60	5	East River Road	Piping Rock Park	3.84	0.00	0.00	3.84	Active	
P-30	60	2	Carton Street	Garage	0.35	0.00	0.00	0.35	Other	
P-31	61	1	East River Road	Rumson Fire Co.	0.89	0.00	0.00	0.89	Other	
P-32	62	30	Center Street	Police Headquarters	0.37	0.00	0.00	0.37	Other	
P-33	73	17	Navasink Avenue	Sewage Pumping Station	0.40	0.00	0.40	0.00	Other	
P-34	80	1	Rumson Road	Pocket Park	2.26	0.00	0.22	2.04	Active	
P-35	81	7.00	Ridge Road	Park	22.34	2.21	0.00	20.13	Active	
TOTAL ACREAGE					101.99	9.32	48.73	43.95		

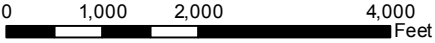
APPENDIX C

Vacant Land Inventory Maps

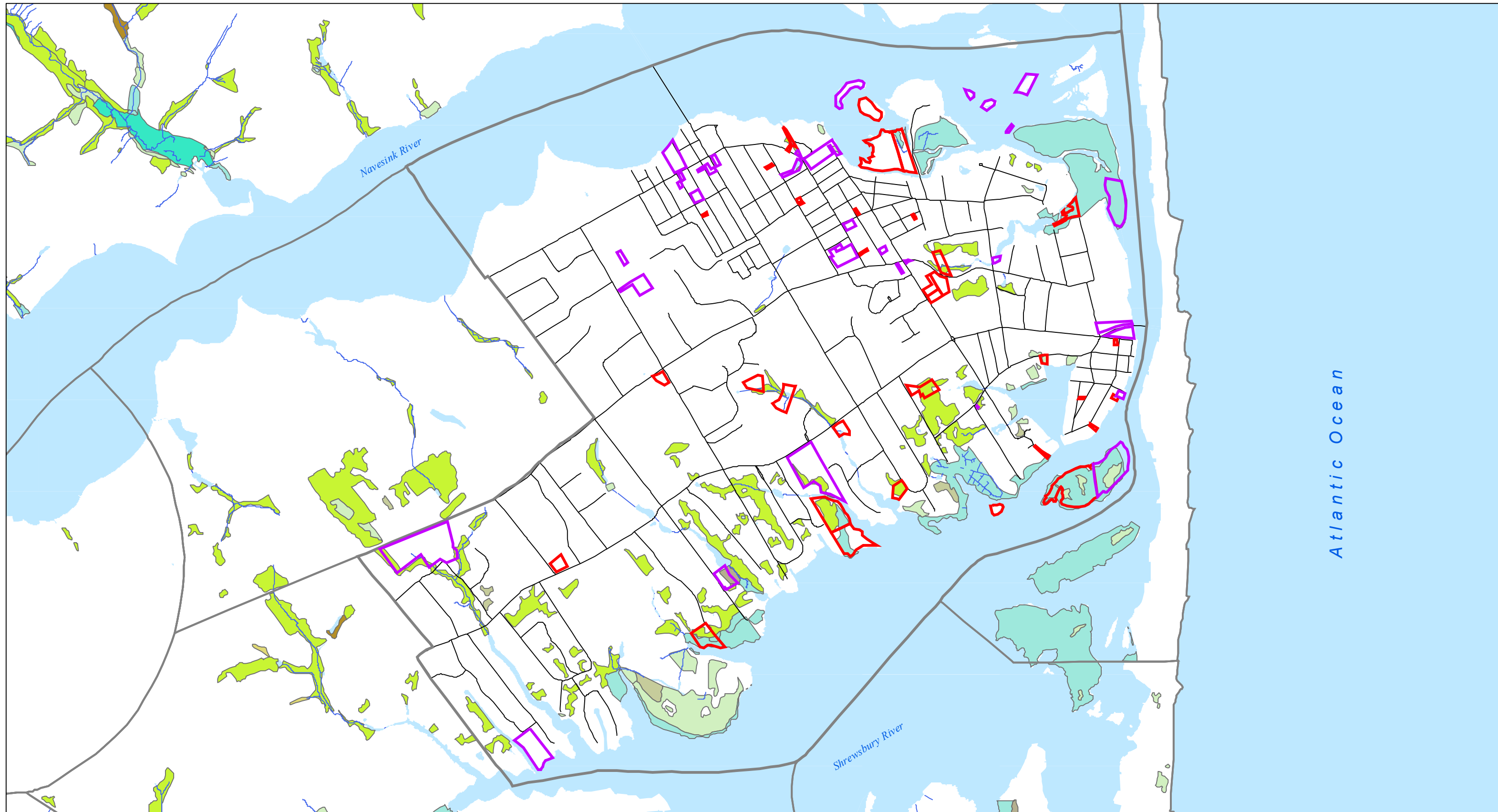


Vacant Land Inventory Map **Borough of Rumson** **Monmouth County, NJ**

- Municipal Property
- Vacant, Private
- Municipal Boundaries
- Roadways
- Streams
- Water Bodies

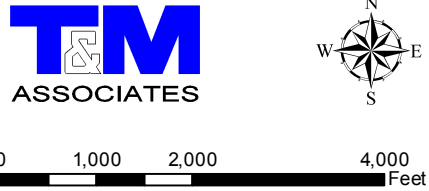


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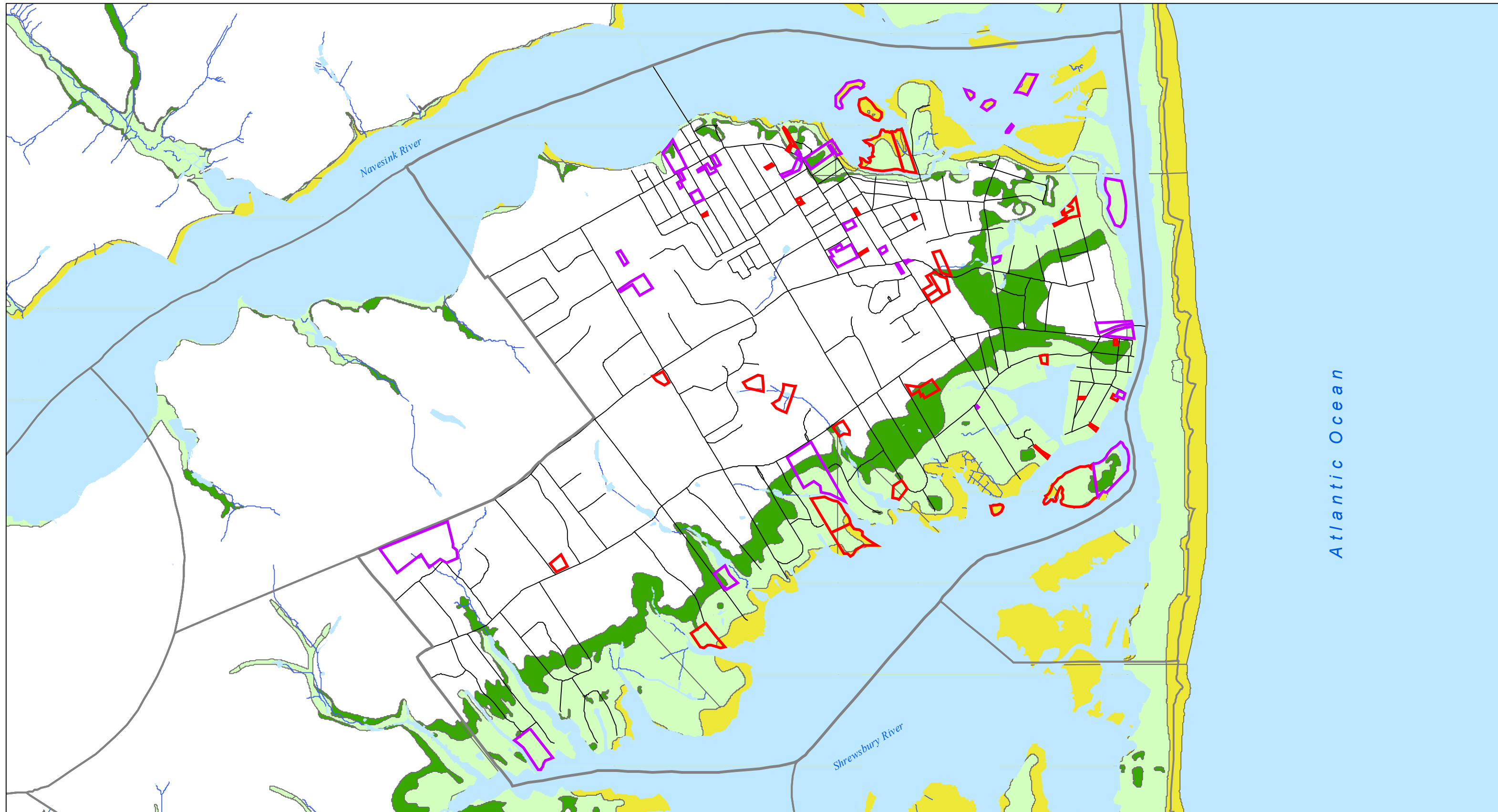


Environmental Constraints: Wetlands Borough of Rumson Monmouth County, NJ

- | | | |
|----------------------------------|--|----------------------|
| AGRICULTURAL WETLANDS (MODIFIED) | MANAGED WETLANDS (MODIFIED) | Municipal Property |
| ATLANTIC WHITE CEDAR WETLANDS | MIXED FORESTED WETLANDS (CONIFEROUS DOM.) | Vacant, Private |
| CONIFEROUS SCRUB/SHRUB WETLANDS | MIXED FORESTED WETLANDS (DECIDUOUS DOM.) | Municipal Boundaries |
| CONIFEROUS WOODED WETLANDS | MIXED SCRUB/SHRUB WETLANDS (DECIDUOUS DOM.) | Roadways |
| DECIDUOUS SCRUB/SHRUB WETLANDS | MIXED SCRUB/SHRUB WETLANDS (CONIFEROUS DOM.) | Streams |
| DECIDUOUS WOODED WETLANDS | SALINE MARSHES | Water Bodies |
| DISTURBED WETLANDS (MODIFIED) | VEGETATED DUNE COMMUNITIES | |
| FRESHWATER TIDAL MARSHES | WETLAND RIGHTS-OF-WAY (MODIFIED) | |
| HERBACEOUS WETLANDS | | |




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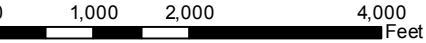
Environmental Constraints: Flood Prone Areas Borough of Rumson Monmouth County, NJ

- | | |
|---|--|
| 100-Year Flood | Municipal Property |
| 500-Year Flood | Vacant, Private |
| Velocity Hazard | Municipal Boundaries |
| Undetermined | Roadways |
| | Streams |
| | Water Bodies |



TM
ASSOCIATES





0 1,000 2,000 4,000 Feet

NOTE: This map was developed, in part, using Monmouth County Geographic Information System digital data, but this secondary product has not been verified by MCGIS and is not warranted by the County.

Appendix B:
Letter from Rumson Country Club

163 RUMSON ROAD
RUMSON, NJ 07760

TEL: (732) 842-3333
FAX: (732) 530-0751



Mayor John E. Ekdahl
80 East River Rd.
Rumson, NJ 07760

Dear John,

Thank you for your letter of March 8, 2004. The Board of Directors has discussed your request. Rumson Country Club doesn't have plans to sell or develop our property or change its use.

We do have plans to rehabilitate the Clubhouse and Poolhouse. These plans are in the preliminary stages. If you have any questions, please do not hesitate to contact me at any time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob".

Robert Jones
President
Rumson Country Club

Appendix C:
List of Property Owners Interested in the
Creation of Accessory Apartment Units

2005

THOSE INTERESTED IN SUPPLYING AFFORDABLE HOUSING FOR
RUMSON:

Ginny Linnell
21 Ridge Road
Rumson, New Jersey 07760
732-530-0212

Linda Decelle
Blackpoint Road
Rumson, New Jersey 07760
732-936-9594

Kevin Fry
16 Washington Avenue
Rumson, New Jersey 07760
H - 732-842-7912
W - 732-730-0054
C - 732-768-6267

Justin King
732-673-1626

Tom Thees
2 Allencrest Road
Rumson, New Jersey 07760
732-530-5934

Joan Cambria
88 Avenue of Two Rivers
Rumson, New Jersey 07760
732-747-4298

Pam Vallas
64 Bingham Avenue
Rumson, New Jersey 07760
732-245-9555

Robert Gorski
Architect
119 E. River Road
Rumson, New Jersey 07760
732-842-8277

W. Paul Stout Realty, Inc.
91 East River Road
Rumson, New Jersey 07760
732-842-8745

Appendix D:
Pictures of Flooding Conditions
on KTK Property



Avenue of Two Rivers South
 Looking South to River
 KTK SITE AHEAD ON LEFT





KTK SITE — F. 71 BROUGHT TO
SITE





Av. of Two Rivers South - Looking North



KTR SITE

Appendix E:

Approving Resolution for Site Plan

Approval for Block 45, Lot 4 and Site Plan

RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 45, LOT 4

WHEREAS, River Road Holdings LLC has applied to the Board of Adjustment of the Borough of Rumson for permission for Preliminary and Final Site Plan Approval and variances to raze the existing former gas station structure and construct a new two story 5500 s.f. mixed use (residential/retail) building and appurtenant parking lot at the existing premises located at 89 East River Road and known as Block 45 Lot 4 on the Tax Map of the Borough of Rumson, located in the General Business (GB) Zone; and

WHEREAS, on August 9 and September 20, 2005 at a meeting of the Board, due notice having been given to the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant, including

A1 - Original Site Plan

A2- Preliminary and Final Site Plan, Sheets 1 through 6, Dated 7/9/03

revised through 12/2/04 by Kennedy Consulting Engineers LLC

A3- Architectural Plans, Sheets A1 (6/11/04), A2 (6/17/04), and A3 (6/17/04) revised through 11/23/04 by CDZ Architects LLC

A4- Revised Preliminary and Final Site Plan Sheets 1 through 6, dated

7/9/03 revised through 8/31/05, and then revised as a result of final comments at the September meeting through 10/ /05

A5- Traffic Report dated 9/12/05 by Gary Dean Associates

along with several site photographs, Borough Engineer review letters, and a Stormwater Management Report by Kennedy Consulting Engineers dated 7/9/03 revised 7/1/04, and, based upon the evidence and testimony, the Board has made the following factual findings:

1. The property consists of a abandoned former gas station structure, located on a rectangular corner lot having 100 feet frontage on River Road and 150 feet frontage on North Street. The applicant requests Preliminary and Final Site Plan approval along with a number of variances to demolish the existing building and construct a new two story 5500 s.f. mixed use building, having three proposed retail stores on the first floor and three two-bedroom rental apartments on the second floor. Ordinance Section 22-5.11a.2 does not permit residential apartments in the GB zone; therefore the proposed mixed use requires a "d" variance. In addition, the applicant requests variances for on-site parking (21 spaces required, 17 spaces proposed), sight triangle, and location of trash enclosure. The portion of the initial application related to signage was withdrawn, and the signage will conform or be subject to further application.

2. The application proffers that the three (3) apartment units shall be restricted affordable housing "units as that is defined by the Council on Affordable Housing (COAH) and Borough regulations; two units shall be "moderate" income and one unit "low" income. That restriction as part of the Borough's effort to meet an affordable housing obligation as defined by COAH was proffered as the beneficial use providing the positive criteria, so as to support the granting of the variances --- particularly the "d" variance. The Borough Council has adopted a zoning ordinance amendment that permits mixed-use affordable housing units in the B zone, including a mixed use project consisting of retail on the first floor and "affordable housing" restricted units on the second floor. This zoning amendment has not yet been approved by COAH or the Court, and therefore is not yet in effect at this time.

3. At the initial hearing date in August 2005, the Board was somewhat concerned about the on-site parking being sufficient, the drainage from the site, and the adequacy and location of the trash enclosure/receptacles. Neighbors also expressed concern over the parking and the location of the building and parking lot as providing an insufficient buffer to an adjacent residence on Lot 3.02. There was discussion as to various limitations on allowable retail uses in the premises, so as to eliminate or decrease the number of vehicles on the site so the lot would provide adequate parking. Also given the proximity to residences the applicant voluntarily offered and agreed to a limitation on the hours that the stores on-site would be open to not later than 10:00 p.m. Also the applicant proffered that one parking space would be reserved for each apartment; the other spaces would not be reserved for any specific premises but would be shared parking. After extensive discussion, the matter was carried to allow the applicant to consider a use limitation on the types of retail stores, to eliminate high traffic retail uses, and to provide a traffic and parking report. The applicant was also going to review the placement of the trash enclosure and provide additional landscaping.

4. At the September meeting, the applicant submitted revised plans which provided a different location for the trash enclosure, near the property line with Lot 3.02. In addition, the plans showed 6 foot evergreens along the rear line, a 6 foot wide sidewalk at the rear of the premises, and 14.5 foot buffer to the rear lot. Also, the applicant proffered or agreed to a restriction or prohibition of a number of potential retail uses, including the following: radio/TV stores; medical/dental/chiropractic clinics or offices; convenience stores; paint stores; dry cleaners; dance or fitness studio (if utilizing entire retail space); and any retail store offering food service, either prepared or pre-packaged and either on or off premises. After extensive discussion, the Board concluded that these limitations or prohibitions would eliminate high traffic and parking needs that would overwhelm the site and adversely impact the adjoining residential areas. The Board did agree that the applicant could reapply to the Board at an appropriate future date for a reconsideration of some of these prohibited and eliminated uses, which could be reconsidered in the Board's discretion if the applicant could demonstrate to the satisfaction of the Board that the site is or can function adequately as presently approved and

that the permitting of such reconsidered use could be properly allowed without adversely affecting the site or the surrounding neighborhood and within the parking and traffic limitations existing.

5. There was further discussion about the trash enclosures and their proper sizing and location. After considerable discussion and input from the neighbors, it was concluded that the trash enclosures should be for trash cans and located along with rear buffer area. The applicant was to submit revised plans showing the relocated trash enclosure. With those restrictions and revisions, the Board concluded that the supplying of 3 affordable housing rental units, to assist the Borough in meeting its affordable housing obligation, was an appropriate positive reason in favor of the application. The applicant had revised plans so as to mitigate many of the impacts from the proposed retail/residential uses. The potential for a parking/traffic problem had been addressed as best as possible. The site has existed as an abandoned gas station for a number of years, and renovation into a productive use will enhance the site and the general area.

6. The applicant revised the plans as a result of the revisions and requested and agreed to at the September meeting. The Board reviewed those revisions at the October meeting prior to adoption of this Resolution and found the revisions conformed to the representations and requests.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 17th day of October, 2005 that the application of River Road Holdings LLC for a variance for Preliminary and Final Site Plan Approval and variances to raze the existing former gas station structure and construct a new two story 5500 s.f. mixed use (residential/retail) building and appurtenant parking lot on the existing residence in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.

2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.

3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any

responsibility or liability for the structural design of the project or for any damage which may be caused by the project.

4. The following must be accomplished prior to the issuance of a building permit:

a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.

b. Taxes must be current.

c. Performance guarantees, if required, must be provided by the applicant and accepted by the Borough.

d. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.

e. Insurance certificates must be provided if construction of public improvement is involved.

f. Any outstanding review fees or escrow deficiency must be paid.

g. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

PERMANENT CONDITIONS

The following are Permanent Conditions and limitations on the use of the premises; the continued and intentional violation of which can be sufficient cause to revoke the Certificate of Occupancy for the premises and, after notice and a hearing, revoke or void this approval.

5. The three (3) residential units in the premises will be dedicated and deed restricted as affordable housing rental units (two moderate income units, and one low income unit) and will be included and subject to the Borough's affordable housing program. Prior to issuance of a Certificate of Occupancy, the owner will execute and record the appropriate deed restriction, in a form approved by the Borough or Board attorney, so as to deed restrict the premises and use of the residential units as affordable housing units. The owner will at all times cooperate with the Borough and the Council on Affordable Housing and comply with all applicable requirements and regulations for such units for the restricted period of 30 years as required under COAH regulations.

6. Each residential unit will have one (1), and only one (1) reserved parking space for that unit. The other parking spaces will be shared parking for all the uses in the premises.

7. The retail uses/stores on the premises will not be open or in operation past 10:00 p.m. The owner will provide notice to the tenants and include this limitation in any lease for the retail stores on the premises.

8. The retail units shall not be leased or operated for any of the following uses otherwise permitted in the GE zone.

- a. radio/tv stores
- b. medical/dental/chiropractic clinics or offices
- c. paint store
- d. convenience store
- e. dry cleaners

f. dance or fitness studios (if utilizing entire retail space)

g. any retail store that prepares or sells food products, either prepared or pre-packaged, for consumption either on or off premises

The applicant may at an appropriate future time request a reconsideration as to any of the above prohibited uses. The Board may in its discretion reconsider this Condition and remove the restriction (with or without appropriate conditions) as to any of these agreed prohibited uses, if the applicant demonstrates and the Board in its sole discretion determines that the site can adequately handle the additional parking and traffic impacts from the proposed use without adversely impacting the surrounding properties and neighborhood. Such application for reconsideration should be on notice to the public and adjoining owners.

Above Resolution moved by *MR. PARTON*
seconded by *MR. BROWN*, and on roll call the following vote was recorded:

In the Affirmative: *CONKLIN, MCGUIRE, BROWN, PARTON, WOOD,*
In the Negative: *KNIGGLER, MCCARTHY, BRODSKY, MURPHY*
Abstain: *NONE*

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on October 18, 2005, as copied from the Minutes of the said meeting.

DATE: *October 18, 2005*

Frederick J. Amore
Secretary
Board of Adjustment

Appendix F:
Draft Ordinance Regulating
Development Activity on Block 8, Lot 4

**BOROUGH OF RUMSON
MONMOUTH COUNTY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, ESTABLISHING
THE REQUIREMENTS FOR AFFORDABLE MULTIPLE DWELLING
DEVELOPMENT ON BLOCK 8, LOT 4 IN ACCORDANCE WITH THE ADOPTED
HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF
THE BOROUGH OF RUMSON.**

PURPOSE

The purpose of this ordinance is to establish regulations and standards governing the development of affordable multiple-dwelling housing on the property known as Block 8, Lot 4 in the Borough of Rumson in accordance with the Borough's Housing Plan Element and Fair Share Plan. The ordinance will permit the development of a maximum of seven (7) dwelling units on the site, so long two (2) of the units are rental units affordable to low-income households in accordance with the regulations of the New Jersey Council on Affordable Housing (COAH) as described in N.J.A.C. 5:94-1 et seq.; the requirements of the Fair Housing Act of 1985; and the Borough's adopted Housing Plan Element and Fair Share Plan.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

Section 1. Sub-paragraph a, "Permitted Uses," in Subsection 22-5.10, Regulations Controlling the POB Professional Office Business Zone District, is hereby amended to add the following new permitted use:

6. Affordable multiple-dwelling development shall be permitted on Block 8, Lot 4, in accordance with the standards and requirements of sub-paragraph f of this subsection.

Section 2. Subsection 22-5.10, Regulations Controlling the POB Professional Office Business Zone District, is hereby amended to add the following new sub-paragraph:

- f. Except as otherwise set forth this Ordinance, an affordable multiple-dwelling development shall be governed by the following standards:
 1. Maximum permitted density: 12 units per acre
 2. Maximum total number of units: seven (7) units
 3. Minimum required affordable units: two (2) units
 4. The affordable units shall be non-age restricted rental units affordable to low-income households as defined by the regulations of the New Jersey Council on Affordable Housing.
 5. All units within the development shall be separated by vertical walls (i.e., townhouse-style units), except that the affordable units may be of a stacked apartment flat design within an townhouse-style structure similar in design, quality, appearance and quality of finish to the balance of the structure.
 6. All standards and requirements in the POB Zone District for residential uses that are permitted according to the R-5 Zone District standards shall be met, except as modified or supplemented as follows:
 - a. Minimum primary front yard setback from Lafayette Street: 35 feet
 - b. Minimum secondary front yard setback from Hunt Street: 25 feet
 - c. Minimum side yard (south boundary) for principal structures: 15 feet
 - d. Minimum rear yard (east boundary) for principal structures: 40 feet
 - e. Minimum lot and building coverage and maximum floor area ratio shall not apply; however, the minimum landscaped area shall be 40 percent of total lot area.
 - f. Maximum height of a principal building shall be as shown in Schedule 5-2 for the R-1 and R-2 Zone Districts. Maximum height of an accessory building shall be as shown in Schedule 5-2 for the POB and R-5 Zone Districts.
 - g. Parking areas and driveways shall be fully screened and buffered from adjoining uses through plantings and fencing. Parking areas shall not be located

less than five (5) feet from the rear (east) property line, nor less than 10 feet from the side (south) property line.

- h. Accessory uses shall be provided in accordance with Subsection 22-5.10.b, as modified by the New Jersey Residential Site Improvement Standards (RSIS).
7. The affordable units must be affirmatively marketed to the housing region in accordance with Subsection 22-7.35, "Affirmative Marketing of Affordable Housing Units;" the Borough's Affirmative Marketing Plan; and the requirements for affirmative marketing as set forth in COAH regulations (N.J.A.C. 5:94-7 et seq.).
8. The provisions of Subsection 22-7.36, "Affordable Housing Developments and the requirements for affordable housing projects as set forth in COAH regulations (N.J.A.C. 5:94-1 et seq.)," shall apply to the affordable multiple-dwelling development.

Section 3. This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by COAH and/or the Court through the issuance of a Judgment of Repose, the grant of substantive certification, or other appropriate order.

Section 4. If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Introduced: _____

Passed and Approved: _____

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas Rogers
Borough Clerk/Administrator

CERTIFICATION

I hereby certify that the above is a true
copy of an ordinance adopted by the
Borough Council of the Borough of
Rumson at a regular meeting held on
_____. This ordinance was
approved by the Mayor.

Thomas Rogers
Borough Clerk/Administrator

Appendix G:
Overlay Zoning and Accessory
Apartment Ordinance

**BOROUGH OF RUMSON
MONMOUTH COUNTY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, ESTABLISHING
THE REQUIREMENTS FOR ACCESSORY APARTMENT UNITS IN THE R-1 AND R-2
ZONE DISTRICTS AND A MIXED-USE AFFORDABLE HOUSING OVERLAY OPTION
IN THE GB, NB, AND POB ZONE DISTRICTS IN ACCORDANCE WITH THE ADOPTED
HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF
THE BOROUGH OF RUMSON.**

PURPOSE

The purpose of this ordinance is to establish regulations and standards governing the development of low and moderate-income accessory units in the Borough's R-1 and R-2 Zones, and mixed-use affordable housing developments in the Borough's GB, NB, and POB Zones. The ordinance is designed to regulate low- and moderate-income accessory units and mixed-use affordable housing developments in a manner consistent with the regulations of the New Jersey Council on Affordable Housing (COAH) as described in N.J.A.C. 5:93-1 et seq.; the requirements of the Fair Housing Act of 1985; and the Borough's adopted Housing Plan Element and Fair Share Plan.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

Section 1. Section 22-2.4, Definitions, shall be amended to include the following new definitions:

ACCESSORY UNIT means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance. An accessory unit may be created within an existing or new single-family residential dwelling, may be created within an existing or new accessory building on a lot containing a single-family dwelling, or be an addition to an existing single-family dwelling or accessory building.

LOW AND MODERATE INCOME ACCESSORY UNIT means an accessory unit deed restricted for occupancy by a low and moderate income household as defined by current COAH regulations.

MIXED-USE AFFORDABLE HOUSING DEVELOPMENT means a development containing a combination of uses, with nonresidential uses permitted in the district on the first floor and residential units on the upper floors, including residential units deed restricted for occupancy by low and moderate-income households as defined by current COAH regulations.

Section 2. Chapter 22, Development Regulations, of the code of the Borough of Rumson is hereby amended to delete existing Section 22-6.9 in its entirety and replace it with the following new Section 22-6.9:

22-6.9 Accessory Units

- a. ***General Requirements and Conditions.*** Accessory units shall be permitted as a conditional use in the R-1 and R-2 Zone Districts, provided that the use and buildings shall adhere to the following minimum standards and conditions:
1. No more than one accessory unit shall be permitted;
 2. The accessory unit shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes;
 3. An accessory unit shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to either a low- or moderate-income qualified household as defined by COAH regulations at the time of initial occupancy of the unit;
 4. Rents of accessory units shall be affordable to low or moderate income households as per COAH regulations and shall include a utility allowance;
 5. Rent increases shall be in accordance with COAH-approved percentages;
 6. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory unit is located running with the land and limiting its subsequent rental or sale within the requirements of paragraphs (2), (3), and (4) above;

7. Each accessory unit shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;
 8. The accessory unit shall have a separate door with direct access to the outdoors;
 9. The potable water supply and sewage disposal system for the accessory unit shall be adequate to service the unit;
 10. During the period in which affordability controls are in place, the accessory unit shall be affirmatively marketed to the housing region in accordance with COAH regulations and Section 22-7.35, Affirmative Marketing of Affordable Housing Units;
 11. Accessory units may be located in an existing accessory building so long as the existing building footprint of the building is maintained. Any additions to a principal or accessory building to accommodate an accessory unit shall conform to the setback requirements for principal buildings in the district.
 12. New freestanding accessory buildings containing accessory units shall conform to the setback requirements for principal buildings in the district.
- b. *Other Requirements.* All standards and requirements of the zone district, except as modified by this section, shall apply. The lot must contain a conforming principal dwelling except as otherwise permitted pursuant to Section 22-7.3, Nonconforming Uses, Buildings and Structures.
- c. *Administrative Entity.* The Borough has designated the Township of Middletown as the administrative entity that will administer the Borough's accessory apartment program. The Township of Middletown shall administer the program in accordance with COAH's regulations and pursuant to the following procedures and requirements:
1. The administrative responsibilities of Middletown Township shall include advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program.
 2. Applicants for accessory apartments shall submit required application forms and documentation to the Borough's Administrative Officer, who shall transmit application materials to Middletown Township. Middletown Township shall only approve an application for an accessory unit if the project is in conformance with COAH's requirements, the Borough's Zoning Ordinance and Development Regulations, and this section. All approvals or denials shall be in writing with the reasons clearly stated.
 3. In accordance with COAH requirements, the Borough shall subsidize the physical creation of a low and moderate-income accessory units in accordance with current COAH minimum requirements or such additional amount as determined necessary by the Borough to create either a low or moderate-income unit meeting COAH's criteria. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough insuring that: (1) the subsidy shall be used to create the accessory unit; and (2) the unit shall meet the requirements of this ordinance and COAH regulations.
- d. *Submission Requirements and Application Procedures.* Applicants for the creation of an accessory unit shall submit an application for a development permit and the required application information to the Borough Zoning Officer, who shall submit a copy of the application to Middletown Township, the administrative entity for the program.
1. Applicants shall submit the same information required for an application for a single-family dwelling, along with the following additional requirements:
 - a) For an accessory unit located within a principal building, a sketch of the floor plan(s) of the unit showing the location, size and relationship of both the accessory unit and the primary dwelling unit in the building;
 - b) For an accessory unit located in an accessory building, the floor plan of the accessory unit and all other rooms and building elements in the accessory building not used for residential purposes and their use (i.e. storage, garage, etc.);
 - c) Elevations showing any new construction and modifications of any exterior building façades to which changes are proposed; and
 - d) A site development sketch showing the location of the principal building and accessory buildings; all property lines; proposed additions if any, along with the minimum building setback lines; the required parking spaces for both dwelling units, and any site conditions which might affect development.

2. The Zoning Officer shall process the application in accordance with normal procedures. The issuance of a development permit or any affirmative action by a municipal agency shall be preceded by or conditioned upon approval by the Township of Middletown pursuant to this section.

- c. *Conversion of Existing Accessory Units.* Accessory units created prior to the adoption of this subsection or without proper permits may be converted to a low- or moderate-income accessory unit under the provisions of this section consistent with N.J.A.C. 5:93-5.9 of COAH's rules. All the requirements of this section and applicable COAH regulations shall apply, except that the Borough shall not provide a subsidy for the unit.

Section 3. Sub-paragraph d, "Conditional Uses," in Section 22-5.4, Regulations Controlling the R-1 Residential Zone District, is hereby amended to add the following new conditional use:

5. Accessory Units.

Section 4. Sub-paragraph d, "Conditional Uses," in Section 22-5.5, Regulations Controlling the R-2 Residential Zone District, is hereby amended to add the following new conditional use:

5. Accessory Units.

Section 5. Chapter 22, Development Regulations, of the code of the Borough of Rimson is hereby amended to add the following new Section 22-5.14:

22-5.14 Mixed-Use Affordable Housing Overlay Zone

- a. *Purpose.* The Mixed-Use Affordable Housing Overlay Zone is intended to provide a mixed-use overlay option in the Borough's GB General Business, NB Neighborhood Business, and POB, Professional Office Business Zones. The boundaries of the Mixed-Use Affordable Housing Overlay Zone shall be coterminous with the boundaries of each of the Borough's GB, NB, and POB Zones. Within the overlay zone district, the development of new mixed-use affordable housing developments or the conversion of existing non-residential uses to a mixed-use affordable housing development is permitted as an option to the uses otherwise permitted in GB, NB, and POB Zones.
- b. *General Requirements and Conditions.* Mixed-use affordable housing developments shall be permitted in the Mixed-Use Affordable Housing Overlay Zone, provided that the use and buildings shall adhere to the following minimum standards and conditions:
 1. A minimum of fifty (50) percent of the units must be affordable to low- and moderate-income households in accordance with COAH's criteria and regulations. If there is only one unit, it shall be an affordable unit.
 2. At least fifty percent of the affordable units shall be low-income units as defined by COAH. If there is only one affordable unit, the unit shall be a low-income unit.
 3. The unit(s) designated as low- or moderate-income units may only be occupied by a low- or moderate-income household at the time of the initial occupancy.
 4. All standards and requirements in the underlying GB, NB, and POB Zones shall be met, except as otherwise modified by this section.
 5. The ground floor of the building shall contain only nonresidential uses.
 6. On-site parking must be provided for all uses on site in accordance with Borough standards or if applicable, in accordance with RSIS standards.
 7. The units must be affirmatively marketed to the housing region in accordance with COAH's regulations and Section 22-7.35, Affirmative Marketing of Affordable Housing Units.
 8. The provisions of Section 22-7.36, Affordable Housing Developments, shall apply to mixed-use affordable housing developments, except that low and moderate income units shall be exempt from COAH's bedroom mix requirements as specified in Section 22-7.36(c).
- c. *Administrative Entity.*
 1. The Borough has designated the Township of Middletown as the administrative entity that will administer the affordable units created in accordance with the Borough's Mixed-use

Affordable Housing Overlay Zone. The administrative responsibilities of Middletown Township include advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program. The Township of Middletown shall administer the program in accordance COAH's regulations and the Section 22-7.35, Affirmative Marketing of Affordable Housing Units, and Section 22-7.36, Affordable Housing Developments.

2. The Borough retains jurisdiction on all other approvals required by this Chapter, including, but not limited to, development permits and variances, subdivision or site plan approvals.
- d. *Change in Use.* Any change in use effecting an approved mixed-use affordable housing development shall be subject to site plan approval by the Borough, except as otherwise exempted from site plan approval by this Chapter. The conversion of a non-affordable residential unit to an affordable unit shall be permitted, subject only to administrative approval by Middletown Township.

Section 6. Sub-paragraph d, "Conditional Uses," in Section 22-5.10, Regulations Controlling the Professional Office Building (POB) Zone District, is hereby amended to delete item 3, "Low and moderate income companion units," as a permitted conditional use in the district.

Section 7. Sub-paragraph d, "Conditional Uses," in Section 22-5.11, Regulations Controlling the General Business Zone District (GB), is hereby amended to delete item 3, "Low and moderate income companion units," as a permitted conditional use in the district.

Section 8. Sub-paragraph d, "Conditional Uses," in Section 22-5.12, Regulations Controlling the Neighborhood Business Zone (NB) District, is hereby amended to delete item 3, "Low and moderate income companion units," as a permitted conditional use in the district.

Section 9. This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by COAH and/or the Court through the issuance of a Judgment of Repose or other appropriate order.


Section 10. If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 11. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.


Introduced: April 15, 2004.

Passed and Approved: May 6, 2004.

I hereby approve of the
passing of this ordinance.

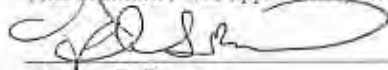

John E. Ekdahl
Mayor

Attest:


Thomas S. Rogers
Borough Clerk/Administrator

CERTIFICATION

I hereby certify that the above is a true
copy of an ordinance adopted by the
Borough Council of the Borough of Rumson
at a regular meeting held on May 6, 2004.
This ordinance was approved by the Mayor.



Thomas S. Rogers
Borough Clerk/Administrator

Appendix H:
Information on Accessory Apartment
Program Administrator

November 3, 2005

Councilwoman DeVoe offered the following resolution and moved its adoption:

Resolution

WHEREAS, the Borough of Rumson, as part of its Affordable Housing Plan, is in need of an entity to administer the Borough's Mount Laurel Accessory Apartment Units and Mixed-use Affordable Housing Plan; and

WHEREAS, Middletown Township has agreed to offer the Borough the use of their Mount Laurel Department to administer and monitor these programs; and

WHEREAS, the Borough of Rumson has the approval of the Borough Attorney, Borough Engineer and Borough Special Counsel;

NOW, THEREFORE, BE RESOLVED, by the Mayor and Council of the Borough of Rumson that the Borough enter into an agreement with the Township of Middletown after the final draft of the agreement is approved by the Borough Attorney and the Borough Engineer; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk/Administrator be authorized to sign this agreement after the Township of Middletown adopts said agreement.

Resolution seconded by Councilman Conaty and carried on the following roll call vote:

In the affirmative: Broderick, Conaty, Conklin, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: None.

CERTIFICATION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Borough Council of the Borough of Rumson at a regular meeting held on November 3, 2005.



Thomas S. Rogers
Borough Clerk/Administrator

INTERLOCAL SERVICE AGREEMENT

This Agreement, dated this day of December, 2005, between the Township of Middletown, 1 Kings Highway, Middletown, New Jersey 07748 (hereafter Middletown) and the Borough of Rumson, 80 East River Road, Rumson, New Jersey 07760 (hereafter Rumson),

1. PURPOSE. In an effort to more economically and efficiently provide governmental services, Middletown and Rumson have agreed to have Middletown personnel provide certain services for the oversight and monitoring of the Affordable Housing Program instituted by Rumson as part of its COAH Compliance Program. The legal mechanism for such Interlocal services has been provided by N.J.S.A. 40:8A-1 et seq. and N.J.S.C. 5:23-4.6 ET SEQ. The Governing Bodies of Middletown and Rumson have determined that the mutual best interests of each municipality and its residents can be most efficiently and economically served by Middletown providing through its Community Development and Planning Offices certain services to Rumson in overseeing and monitoring Rumson's Affordable Housing program and receiving compensation through certain stipends and fees as set forth herein.
2. TERM. This Agreement shall commence on the effective date and terminate five (5) years thereafter, as per N.J.A.C. 5:23-4.6. However, either party has the right to terminate this Agreement for any reason on ninety (90) days written notice to the other party.
3. SERVICES. Middletown through its personnel will provide the following services to Rumson in overseeing and monitoring Rumson's Affordable Housing Program. Middletown will perform those services identified as its responsibility in the current adopted Housing Element and Fair Share Plan of Rumson including, but not limited to, those duties identified in Subsections 22-5.14, 22-6.9, 22-7.35 and 22-7.36 of the Code of Rumson. The

staff of each municipality will mutually cooperate so that the work is completed in a timely and proper manner.

- A) Middletown will use its own officials and employees for the services to be performed by Middletown and will not be hiring existing Rumson employees for said services. Rumson will maintain and staff and office in its Borough Hall and will provide at its expense necessary clerical staffing for that office, on a full or part time basis in Rumson's discretion. The Middletown Planning and Community Development Department Official will on occasion perform the services within its area of responsibility in or from the Rumson Office and may make recommendations as to clerical staffing for the Rumson office. However, any determination of clerical staffing level of the Rumson office shall be the determination of Rumson.
- B) The Middletown Community Development Official will assign appropriate Middletown personnel as necessary to perform its responsibilities as part of the review and monitoring of Rumson's affordable housing program in a reasonably timely manner. The Community Development Official will be available to both municipalities, and services will be performed in both municipalities on a first-come first-serve basis within the reasonable scheduling discretion of the Official.
- C) The Middletown Planning and Community Development Department Official and subordinates may remove and retain the particular files from the Rumson office in order to perform reviews, approval issuance, inspections and other required services in the field or at Middletown offices. After completion of necessary work or other final action in a matter, all records and files will be returned to the Rumson office and retained by Rumson.

D) All services provided by Middletown shall be done by appropriately qualified employees and shall be done in the manner prescribed by the COAH or other appropriate standards within the normal reasonable discretionary authority of said official.

4. PAYMENT. Middletown will be paid a stipend of \$4,000 within 30 days of the effective date of this Agreement as payment for costs incurred in setting up this interlocal service program and assigning and familiarizing the employees assigned to same. Middletown shall thereafter be paid an additional stipend of \$2,500 per year of the Contract, commencing with a payment of \$2,500, one year after the effective date, to cover annual overhead costs of maintaining its involvement in this interlocal program. In addition, Middletown shall be paid a flat fee of \$1,000 per application filed and reviewed; said fee to be paid by Rumson within 45 days after the filing of the Application.

5. LIABILITY. Middletown shall be responsible for workers compensation for all employees or officials performing work under this Agreement. Rumson shall be responsible for any general liability claims, claims under 42 U.S.C. Section 1983 liability, errors and omissions, and negligence against any employee or official arising out of their performance of services for Rumson or on Rumson matters arising out of this agreement. Rumson agrees to defend, indemnify and hold harmless Middletown and its agents and employees performing services from all claims, suits or judgements arising from the services performed for Rumson under this Agreement.

6. EFFECTIVE DATE. This Agreement will be effective upon approval by both Middletown and Rumson and receipt of appropriate authorization by COAH.

ATTEST

THOMAS S. RODGERS, CLERK

HEIDI ABS, CLERK

BOROUGH OF RUMSON

JOHN EKDAHL, MAYOR

TOWNSHIP OF MIDDLETOWN

THOMAS G. HALL, MAYOR

Appendix I:
Affirmative Marketing Ordinance and Plan

**BOROUGH OF RUMSON
MONMOUTH COUNTY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, TO SET FORTH
REQUIREMENTS FOR THE AFFIRMATIVE MARKETING OF AFFORDABLE
HOUSING UNITS IN THE BOROUGH OF RUMSON.**

PURPOSE

The purpose of this ordinance is to establish procedures for the affirmative marketing of new affordable housing units created pursuant to the Borough of Rumson's Housing Plan Element and Fair Share Plan in a manner consistent with the requirements and regulations of the New Jersey Council on Affordable Housing (COAH). This ordinance will apply to all new developments in Rumson that contain low and moderate-income units and any future inclusionary developments that may occur in the Borough.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

Section 1. Chapter 22, Development Regulations, of the code of the Borough of Rumson is hereby amended to add the following new Section 22-7.35:

22-7.35 Affirmative Marketing of Affordable Housing Units

- a. The Borough has adopted a Housing Plan Element and Fair Share Plan that addresses its present and prospective need for new affordable housing units. The Borough has included in its Housing Plan Element and Fair Share Plan mechanisms to capture opportunities for affordable housing beyond its RDP in accordance with COAH requirements, including an accessory apartment ordinance and mixed-use overlay zone. This section will apply to all new developments in Rumson that contain low and moderate-income units and any future inclusionary developments that may occur in the Borough.
- b. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Borough is in the housing region consisting of Mercer, Monmouth, and Ocean Counties. The affirmative marketing program is a continuing program and will meet the following requirements.
- c. All newspaper articles, announcements and requests for applications for low and moderate income units will appear in the following newspapers/publications:
 - Asbury Park Press
 - Two River Times
 - Trenton Times
- d. The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.
- e. The advertisement will include the:
 - street address
 - direction to the housing units;
 - number of bedrooms per unit;
 - range of selling prices/rents;
 - size of units;
 - household income limits; and

- location of applications including business hours and where/how applications may be obtained.
- f. All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in the following neighborhood-oriented weekly newspapers, religious publications and organizational newsletters within the region:
- The Hub
Rumson Borough Bulletin
- g. If applicable, the following regional radio and/or cable television station(s) will be used:
- Comcast Cable
- h. The following is the location of applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region:
- Rumson Borough Hall, 80 East River Road
 - Rumson Post Office, Hunt Street and Bingham Avenue
 - Oceanic Free Library, Avenue of Two Rivers and Ridge Road
 - Developer's sales/rental office on site (if applicable)
 - Rumson Business and Professional Association, Bingham Avenue
- i. The following is a list of community contact person(s) and/or organization(s) in Mercer, Monmouth, and Ocean, counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region:
- Rumson Senior Citizen Club
 - Monmouth County Community Development Program
 - Housing Affordability Service (HAS)
 - The ARC of Mercer, Monmouth, and Ocean Counties
 - The Monmouth Housing Alliance
 - Developer's sales offices (if applicable)
 - Monmouth County Administrative Offices (Freehold Borough)
- j. Applications will be mailed to prospective applicants upon request. Additionally, applications will be sent to the chief administrative employees of each of the following agencies in the counties of Mercer, Monmouth, Ocean Counties:
- Office on Aging
 - Housing Agency or Authority
 - Area Community Action Agencies
 - Community Development Departments or Divisions
- k. Owners of accessory units will be permitted to select applicants from lists of eligible applicants provided by the Borough in accordance with the procedures permitted by COAH.
- l. The following is a description of the random selection method that will be used to select occupants of low and moderate income housing, other than accessory units:
1. Notices will be distributed to all of the agencies and publications listed above, advising of the availability of such housing units and providing a deadline of at least one hundred twenty (120) days after the notices have been distributed for submission of applications.
 2. Once the deadline for submission of applications has passed, each of those applications, which satisfy the requirements for low and/or moderate income housing occupancy, and subject to the provisions of Section 13 below, shall be given an anonymous number and each number shall be placed on the same size and stock card and placed in a drum.
 3. Notice of the drawing shall be given seven (7) days in advance of the drawing to all applicants who have been deemed to satisfy the requirements.

4. The Borough shall then draw ten (10) numbers, one (1) number at a time, with each number being placed in the order by which the numbers were drawn and that shall be the order in which persons will be given the opportunity to take advantage of the low and moderate income housing available, dependent upon their satisfying all criteria. If there are more numbers drawn than available housing units, the applicants representing those numbers shall constitute an initial waiting list to be used in the event that any of the other selected individuals are thereafter determined not eligible.
- m. The Borough is ultimately responsible for administering the affirmative marketing program through an inter-local service agreement. The Borough has delegated this responsibility to the Township of Middletown. The Township of Middletown will income qualify low and moderate-income households; place income-eligible households in low and moderate-income units upon initial occupancy; provide for the initial occupancy of low and moderate-income units with income-qualified households; continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; assist with advertising and outreach to low and moderate-income households if in the contract; and enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:93-9. The Borough Administrator within Runson is the designated housing officer to act as liaison to the Township of Middletown. The Township of Middletown will provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, responsibilities of homeownership, rental lease requirements and landlord/tenant law.
- n. Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Borough intends to comply with N.J.A.C. 5:93-11.7.
- o. Developers of low and moderate-income housing units may assist in the marketing of the affordable units in their respective developments if so designated by the Borough.
- p. The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low and moderate income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or re-occupancy of units continues to be necessary.
- q. The Township of Middletown, and the Borough will comply with monitoring and reporting requirements as per N.J.A.C. 5:93-11.6 and 12.1.

Section 2. This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by COAH and/or the Court through the issuance of a Judgement of Repeal or other appropriate order.

Section 3. If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Introduced: April 15, 2004;

Passed and Approved: May 6, 2004.

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

J. Gary Sannion
Borough Clerk/Administrator

CERTIFICATION

I hereby certify that the above is a true
copy of an ordinance adopted by the
Borough Council of the Borough of Rumson
at a regular meeting held on May 6, 2004.
This ordinance was approved by the Mayor.

J. Gary Sannion
Borough Clerk/Administrator

For Affordable Housing in the Borough of Rumson

I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units: Number of For-Sale Units:	1d. Price or Rental Range From \$ To \$	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates Advertising: Occupancy:		
1h. County		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

II. RANDOM SELECTION

As stated in Chapter 22, Section 7.35, Paragraph "1" of the Code of the Borough of Rumson, the random selection method that will be used to select occupants of low and moderate income housing units, other than accessory units, shall be the following:

1. Notices will be distributed to all of the agencies and publications listed in Chapter 22, Section 7.35 of the Code of the Borough of Rumson, advising of the availability of such housing units and providing a deadline of at least one hundred twenty (120) days after notices have been distributed for submission of applications.
2. Once the deadline for submission of applications has passed, each of those applications which satisfies the requirements for low and/or moderate income housing occupancy, and subject to the provisions of Section 13 below, shall be given an anonymous number and each number shall be placed on the same size and stock of card and placed in a drum.
3. Notice of the drawing shall be given seven (7) days in advance of the drawing to all applicants who have been deemed to satisfy the requirements.
4. The Borough shall then draw ten (10) numbers, one (1) number at a time, with each number being placed in the order by which the numbers were drawn and that shall be the order in which persons will be given the opportunity to take advantage of the low and moderate income housing available, dependent upon their satisfying all criteria. If there are more numbers drawn than available housing units, the applicants representing those numbers shall constitute an initial waiting list to be used in the event that any of the other selected individual are thereafter determined not eligible.

With regard to selecting occupants for accessory units, the following standard of Chapter 22, Section 7.35, Paragraph "k" of the Code of the Borough of Rumson applies:

- Owners of accessory units will be permitted to select applicant from lists of eligible applicants provided by the Borough in accordance with the procedures permitted by COAH

III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

- ☐ White (non-Hispanic) ☐ Black (non-Hispanic) ☐ Hispanic ☐ American Indian or Alaskan Native
- ☐ Asian or Pacific Islander ☐ Other group:

3b. Commercial Media (required)			
Names of Regional Newspaper(s)	Racial/Ethnic Identification of Readers/Audience (if known)		Duration & Frequency of Outreach
Asbury Park Press	General Circulation		
Two River Times	General Circulation		
Trenton Times	General Circulation		
Names of Regional Radio/TV Station(s)	Racial/Ethnic Identification of Readers/Audience (if known)		Duration & Frequency of Outreach
Comcast Cable	General Circulation		
3c. Other Publications (such as neighborhood newspapers, religious publications, & organizational newsletters)			
Name of Publications	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
The Hub	Red Bank Area	General Circulation	
Rumson Borough Bulletin	Borough of Rumson	General Circulation	
3d. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing; varies by development)			
Name of Employer/Company	Location	Duration & Frequency of Outreach	
3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach
Rumson Sr. Citizen Club	Rumson Borough		
Monmouth Co. Community Development Program	Monmouth County		
Housing Affordability Service (HAS)	New Jersey		
The ARC of Monmouth, Ocean, & Mercer Counties	COAH Region 4		
Monmouth Housing Alliance	Monmouth County		
Developer's Sales Offices (if applicable)	(Varies)		
Monmouth County Admin. Offices (Freehold Borough)	Monmouth County		

IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:
4a. County Administration Buildings and/or Libraries for all counties in the housing region:
Monmouth County Library, Headquarters; 125 Symmes Drive; Manalapan, N.J. 07726
Ocean County Library, Headquarters; 101 Washington Street; Toms River, NJ 08753
The Mercer County Library System; Lawrence Headquarters Branch; 2751 Brunswick Pike; Lawrenceville, NJ 08648
Monmouth County Library, Oceanport Branch; Monmouth Blvd. & Myrtle Ave.; Oceanport, N.J. 07757
Monmouth County Library, Eastern Branch; Route 35; Shrewsbury, N.J. 07702
4b. Municipality in which the units are located:
Memorial Borough Hall of Rumson; 80 East River Road; Rumson, NJ 07760
Oceanic Free Library; 109 Avenue of Two Rivers; Rumson, NJ 07760
4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's COAH substantive certification or DCA Balanced Housing Program funding or HMFA UHGRP/MONI funding).

Name (Type or Print)

Title/Municipality

Signature

Date

Appendix J:

Affordable Housing Ordinance

Please note that this ordinance is relevant to Cycles I and II. The Borough of Rumson will prepare a Cycle III Affordable Housing Ordinance once COAH publishes a Model Cycle III Affordable Housing Ordinance.

**BOROUGH OF RUMSON
MONMOUTH COUNTY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, ESTABLISHING THE
REQUIREMENTS FOR THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS
IN ACCORDANCE WITH THE ADOPTED HOUSING PLAN ELEMENT AND FAIR
SHARE PLAN OF THE BOROUGH OF RUMSON AND THE REGULATIONS OF THE
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING.**

PURPOSE

The purpose of this ordinance is to establish regulations governing the development of low and moderate-income housing units and projects in the Borough. In accordance with the provisions of this ordinance, such projects shall be designed in a manner consistent with the regulations of the New Jersey Council on Affordable Housing (COAH), N.J.A.C. 5:93 et. seq., the Fair Housing Act of 1985, and the Borough's constitutional obligation to provide for its fair share of low and moderate-income housing.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

Section 1, Chapter 22, Development Regulations, of the code of the Borough of Rumson is hereby amended to add the following new Section 22-7.36:

22-7.36 Affordable Housing Developments

- a. The Borough of Rumson's fair share obligation will be divided equally between low and moderate-income households as per N.J.A.C. 5:93-2.20.
- b. Except for inclusionary developments constructed pursuant to low income tax credit regulations:
 1. at least half of all units within each inclusionary development will be affordable to low income households; and
 2. at least half of all rental units will be affordable to low income households; and
 3. at least one-third of all units in each bedroom distribution pursuant to N.J.A.C. 5:93-7.3 will be affordable to low income households.
- c. Inclusionary developments that are not age-restricted will be constructed in conjunction with realistic market demands so that:
 1. the combination of efficiency and one bedroom units is at least 10 percent and no greater than 20 percent of the total low and moderate income units; and
 2. at least 30 percent of all low and moderate-income units are two bedroom units; and
 3. at least 20 percent of all low and moderate-income units are three bedroom units; and
 4. low and moderate income units that are age-restricted may utilize a modified bedroom distribution. At a minimum, the number of bedroom will equal the number of age-restricted low and moderate-income units within the inclusionary development.
 5. Accessory units shall be exempt from COAH bedroom mix requirements as per N.J.A.C. 5:93-7.3.
 6. Low and moderate income units created pursuant to the Borough's mixed-use overlay zone shall be exempt from COAH's bedroom mix requirements.

- d. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:
1. efficiency units will be affordable to a one person household; and
 2. one bedroom units will be affordable to 1.5 person households; and
 3. two bedroom units will be affordable to 3 person households; and
 4. three bedroom units will be affordable to 4.5 person households; and
 5. median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:93-7.4(b); and
 6. the maximum sales prices of low and moderate income units within each inclusionary development will be affordable to household earning no more than 70 percent of median income. In averaging an affordability range of 55 percent for sales units, the municipal ordinance will require moderate-income sales units to be available for at least two different prices and low income sales units to be available for at least two different prices; and
 7. for both owner-occupied and rental units, the low and moderate income units will utilize the same heating source as market units within an inclusionary development; and
 8. low income units will be reserved for households with a gross household income less or equal to 50 percent of the median income approved by COAH; moderate income units will be reserved for households with a gross household income less than 80 percent of the median income approved by COAH as per N.J.A.C. 5:93-7.4 (g); and
 9. the regulations outlined in N.J.A.C. 5:93-9.15 and 9.16 will be applicable for purchased and rental units.
- e. For rental units, developers and/or municipal sponsors may:
1. establish one rent for a low income unit and one for a moderate income unit for each bedroom distribution; and
 2. gross rents, including an allowance for tenant-paid utilities, will be established so as not to exceed 30 percent of the gross monthly income of the appropriate household size as per N.J.A.C. 5:93-7.4 (f). The tenant-paid utility allowance will be consistent with the utility allowance approved by HUD for use in New Jersey; and
 3. the maximum rents of low and moderate income units within each inclusionary development will be affordable to households earning no more than 60 percent of median income. In averaging an affordability range of 52 percent for rental units, developers and/or municipal sponsors of rental units may establish one rent for a low-income unit and one rent for a moderate-income unit for each bedroom distribution.
- f. For sale units:
1. the initial price of a low and moderate income owner-occupied for-sale housing unit will be established so that after a down-payment of five percent, the monthly principal, interest, homeowner and private mortgage insurance, property taxes (based on the restricted value of the low and moderate income unit) and condominium or homeowner fee do not exceed 28 percent of the eligible gross monthly income; and
 2. master deeds of inclusionary developments will regulate condominium or homeowner association fees or special assessments of low and moderate income purchasers at 100 percent of those paid by market purchasers. This percentage is consistent with the requirements of N.J.A.C. 5:93-7.4(e). Once established within the master deed, this percentage will not be amended without prior approval from COAH; and
 3. The Borough will follow the general provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sale units as per N.J.A.C. 5:93-9.3; and

4. The Borough will require a certificate of re-occupancy for any occupancy of a low or moderate income sales unit resulting from a resale as per N.J.A.C. 5:93-9.3(c); and
5. municipal, state, nonprofit and seller options regarding sale units will be consistent with N.J.A.C. 5:93-9.5 – 9.8. Municipal rejection of repayment options for sale units will be consistent with N.J.A.C. 5:93-9.9; and
6. the continued application of options to create, rehabilitate or maintain low and moderate income sale units will be consistent with N.J.A.C. 5:93-9.10; and
7. eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:93-9.11; and
8. the regulations detailed in N.J.A.C. 5:93-9.12 – 9.14 will be applicable to low and moderate income units that are for sale units.

g. In zoning for inclusionary developments the following is required:

1. low and moderate income units will be built in accordance with N.J.A.C. 5:93-5.6(d):

Minimum % of Low/Moderate Income Units Completed	% of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	90
	100

2. a design of inclusionary developments that integrates low- and moderate-income units with market units is encouraged as per N.J.A.C. 5:93-5.6 (f). Developers of non-inclusionary residential and non-residential developments shall pay a development fee in accordance with Subsection 22-3.14.y. of this Ordinance.

h. A development fee ordinance was approved by COAH and adopted by the Borough.

i. To provide assurances that low and moderate income units are created with controls on affordability over time and that low and moderate income households occupy these units, the Borough will designate Middletown Township with the responsibility of ensuring the affordability of sales and rental units created as part of the Borough's mixed-use overlay zone over time. The Borough will also designate Middletown Township with the responsibility of ensuring the affordability of accessory units. Middletown Township will be responsible for those activities detailed in N.J.A.C. 5:93-9.1(a).

1. In addition, Middletown Township will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:93-9.1(b) in placing households in low and moderate income units; and
2. newly constructed low and moderate income sales units will remain affordable to low and moderate income households for at least 30 years.

Middletown Township and the Borough will require all conveyances of newly constructed units to contain the deed restriction and mortgage lien adopted by COAH and referred as Technical Appendix E as found in N.J.A.C. 5:93; and

3. housing units created through the conversion of a nonresidential structure will be considered a new housing unit and will be subject to 30-year controls on affordability. Middletown Township and the Borough will require that COAH's appropriate deed restriction and mortgage lien be applied to these units.

j. Regarding rehabilitated units:

1. rehabilitated owner-occupied single family housing units that are improved to code standard will be subject to affordability controls for at least six years; and
2. rehabilitated renter-occupied housing units that are improved to code standard will be subject to affordability controls for at least 10 years; and
3. The Borough intends to use development fee revenues for the rehabilitation of housing units in accordance with the Borough's housing element and fair share plan. The rehabilitation schedule is shown below:

<i>Borough of Rumson</i>			
<i>Housing Rehabilitation Funding Schedule</i>			
	<i>Year</i>	<i>Number of Rehabs</i>	<i>Funds Needed</i>
1.	2004	8	\$80,000
2.	2005	4	\$40,000
3.	2006	4	\$40,000
4.	2007	4	\$40,000
5.	2008	4	\$40,000

k. Regarding rental units:

1. newly constructed low and moderate-income rental units will remain affordable to low and moderate income households for at least 30 years. Middletown Township and the Borough will require the deed restriction and lien and deed of easement referred as Technical Appendix 11 as found in N.J.A.C. 5:93; and
 2. affordability controls in accessory units will be for a period of at least 10 years, except if the apartment is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.9); and
 3. alternative living arrangements will be controlled in a manner suitable to COAH, that provides assurances that such a facility will house low and moderate income households for at least 10 years except if the alternative living arrangement is to receive a rental bonus credit pursuant to N.J.A.C. 5:93-5.15, then the controls on affordability will extend for 30 years (N.J.A.C. 5:93-5.8). Group homes for the developmentally disabled that have received capital funding from the New Jersey Division of Developmental Disabilities and where the terms of such grant are for twenty years and renewable at the end of the initial term shall be determined to have acceptable affordability controls in accordance with COAH's requirements and are eligible for rental bonus credits pursuant to COAH's regulations.
- l. Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et. seq. incorporates the need to eliminate unnecessary cost generating features from the Borough's land use ordinances. Accordingly, the Borough will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on certain affordable housing developments. The Borough will adhere to the components of N.J.A.C. 5:93-10.1 -10.3.

Section 2. This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by COAH and/or the Court through the issuance of a Judgement of Repeal or other appropriate order.

Section 3. If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Introduced: April 15, 2004.

Passed and Approved: May 6, 2004,

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

J. Gary Sammon
Borough Clerk/Administrator

CERTIFICATION

I hereby certify that the above is a true
copy of an ordinance adopted by the
Borough Council of the Borough of Rumson
at a regular meeting held on May 6, 2004.
This ordinance was approved by the Mayor.

J. Gary Sammon
Borough Clerk/Administrator